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SUPPLEMENTS—
Report of the Select Committee on the Bill to consolidate and amend the law relating to the municipal affairs of the City of Madras with the Bill as amended by the Committee—(Tamil), (Telugu) and (Hindustani).

Report of Select Committee, etc., presented to the Council of the Governor of Fort St. George for the purpose of making Laws and Regulations.

To

THE HONOURABLE THE COUNCIL OF THE GOVERNOR OF
FORT ST. GEORGE FOR MAKING
LAWS AND REGULATIONS.

We, the members of the Select Committee, appointed to report upon the Bill (No. 6 of 1918) to consolidate and amend the law relating to the municipal affairs of the City of Madras, have the honour to submit the following report.

1. Letter from the Secretary to the Missionary Educational Council of South India, Madras, dated 28th August 1918. [Paper No. 1.]
2. Proceedings of a Special Meeting of the Corporation of Madras, dated 13th September 1918. [Paper No. 2.]
3. Letter from the Honorary Secretary, the South Indian Federal Association, Madras, dated 16th September 1918. [Paper No. 3.]
4. Letter from the Chairman, Public Meeting, held at Park Town, Madras, dated 25th September 1918. [Paper No. 4.]
5. Letter from the Vice-President, Madras Presidency Muslim League, dated 26th September 1918. [Paper No. 5.].
6. Observations by heads of departments of the Corporation of Madras. [Paper No. 6.]
7. Letter from the Chairman of a Muslim Public Meeting held in Madras on the 26th September 1918. [Paper No. 7.]
8. Letter from the Honorary Secretary to the Muslim League, Begampur, Dindigul, dated 6th November 1918. [Paper No. 8.]

2. We have received and considered the representations from the public in regard to the Bill which are noted in the margin.

3. In the following paragraphs we refer specifically to such of the alterations made in the Bill as appear to us to be of sufficient importance to call for special mention. The numerous other alterations which will be found in the Bill, to which we shall not especially refer, are either of no material importance, or are verbal amendments in drafting or changes consequential on more important alterations.

4. In this report the clauses and sub-clauses of the Bill as amended by us will be found enclosed in square brackets. Where no such brackets are used, the clauses and sub-clauses referred to are those of the Bill as introduced.

Clause 3 (6).—We see no reason to confine the term 'carriage' to vehicles used for the conveyance of human beings and we have accordingly omitted the limiting words.

Clause 3 (9).—In this clause we have omitted the reference to section 41 of the Bill and have redrafted with reference to section 62 of the Government of India Act, 1915. We have added words to the definition specifically excluding from the City of Madras, Fort St. George and the Glacis.

Clause 3 (12).—We have revised the definition of the term 'hut' so as to extend its application, and to bring it into accordance with the class of cases likely to arise.

Clause 3 (13).—We have extended the term 'latrine' so as to include a water closet.

Clause 3 (14).—We have omitted this sub-clause as unnecessary and misleading.

Clause 3 (15).—We have omitted as unnecessary the definition of 'municipal authority'.

Clause 3 (19).—[3 (17).] We have expanded the definition of 'owner' so as to include guardians, managers and receivers for persons and for religious and charitable purposes.

Clause 3 (22).—We have omitted sub-clause (22) as the terms 'public land' and 'corporation public land' are based on distinctions of law which are not recognised in this country and the definition is unnecessary with reference to clause 113 as revised [clause 101].

Clause 3 (25) (*c*).—[Clause 3 (22).] We have omitted this sub-clause as superfluous and we have renumbered the succeeding definitions. Definitions (*f*) and (*g*) in sub-clause 3 (25) are also omitted as needlessly complicating the meaning.

Clauses 4 *and* 5.—We have redrawn the sections on the lines of the Bombay City Municipal Act.

Clause 5 (1).—We have proposed to raise the strength of the Council to fifty councillors in all, elected or appointed. We raise the number of elected divisional councillors from 24 to 30; we reduce the number of appointments in the gift of the Governor from 9 to 5; and we increase by 5 the number of councillors to be elected or appointed by such other associations, corporate bodies or classes of persons as the Governor in Council may by notification direct. We have carefully considered the question whether any provision should be made for separate electorates for Muhammadan or other communities. It was decided that there should be no such separate electorates so far as the divisional councillors were concerned and that no specific provision should be made under sub-clause (*e*) but we would here place on record our opinion that, in practice, it will be desirable that four of the seven seats be reserved for Muhammadans and one for the Anglo-Indian Association.

Clause 5 (2).—We have not thought it necessary to retain the provision which empowers the Governor in Council to make an appointment in case of failure to elect or appoint under sub-sections (*b*), (*c*), (*d*) and (*e*) of sub-clause (1).

Clause 6.—In lieu of a single Standing Committee of twelve, we propose to constitute by statute four smaller Standing Committees, each of seven members [clause 19 (1)] elected by the Council from their own number; to these will be assigned the provinces of (1) taxation and finance, (2) works, (3) health and (4) education. It was after considerable discussion decided that it was unnecessary to provide for more Standing Committees, as all the functions of the Corporation can be brought under one or other of these heads and four committees should be enough to do all the work required.

Clause 8.—For the provision that the Commissioner shall hold office during the pleasure of the Governor in Council, we have substituted [clause 8 (1)] a period of three years, renewable, for the Commissioner's tenure. We have omitted clause 28 and inserted [as clause 8 (2)] the provision which renders compulsory the removal of the Commissioner from office in the event of a substantial majority of the councillors voting in favour of such removal. We propose that the minimum number of adverse votes shall be 33 in a council of 50.

Clause 9.—We have inserted after this clause a new one [clause 10] relating to the custody of records. We consider that the Commissioner and not any subordinate official is the proper custodian.

Clause 11.—[Clause 12.] We have omitted the provisos (*a*), (*b*) and (*c*). We considered that it was unnecessary to lay down specifically that the Commissioner might hold the specific offices named and that it was impossible to make an exhaustive list of functions which he might undertake without detriment to his duties to the Corporation.

Clause 13.—We have added to this clause a new sub-clause [clause 14 (2)] providing that the Governor in Council shall appoint an officiating Commissioner when the Commissioner is granted leave.

Clause 15.—[Clause 16.] The drafting has been simplified and the power to delegate to a councillor has been omitted.

Clause 16.—[Clause 17.] In consequence of the amendment of clause 15 reference to a councillor has been omitted.

Clauses 18 *and* 19.—We have recast these clauses [clauses 19 and 20] with reference to our proposals for Standing Committees in [clause 6]. Each of the four committees will consist of seven members to be elected by the Council from their own number and no councillor is to be a member of more than two Standing Committees at the same time, subject to the exception to be presently noticed in the case of the President. A member of the Standing Committee will retain his office as such, so long as he continues to be a councillor, and vacancies in a Standing Committee will be filled up by election by the council. We assign to the Council [clause 20 (1)] the duty of determining by regulations the powers and duties of each Standing Committee. But we have thought it well to assign by statute [clause 20 (2)] certain specific duties of financial supervision, audit and the writing off of irrecoverable sums to the Taxation and Finance Standing Committee.

Clause 20.—We have introduced a new clause [clause 21] to avoid ambiguity in the expression 'Standing Committee' wherever used in the Bill.

Clause 22.—Having proposed to constitute by statute small Standing Committees, we consider it unnecessary to retain the provision by which the Standing Committee may appoint sub-committees. We have therefore omitted this clause.

Clause 23 (1).—We have slightly modified the description of the functions of the Council [clause 23 (1)] and have added, following section 15 (2) of the present Act, a fresh sub-clause [sub-clause (2)] providing for the resolution by the Governor in Council, on reference by the President, of any doubt which may arise as to the municipal authority to which any particular function pertains.

Clause 24.—For the words 'other municipal authorities' we have substituted the words 'Standing Committees and the Commissioner' following the scheme of administration which we recommend. We consider it unnecessary to provide specifically in this section for the contingency that a resolution of the Council may be cancelled on the application of the municipal authority concerned.

Clause 25 (3).—We have made an addition to this clause [sub-clause (3)] providing for an appeal to the President against the order of the Commissioner refusing a councillor access to the records of the Corporation.

Clause 26 (1).—We have extended to a Standing Committee the power [clause 26 (1)] to make a requisition to the Commissioner under this section.

Clause 26 (2).—We propose [clause 26 (2)] that, should the Commissioner consider that immediate compliance with a requisition would be prejudicial to the interests of the Corporation or of the public, he shall make a declaration in writing to that effect and, if required by the Council or the Standing Committee as the case may be, shall refer the question of compliance to the President whose decision shall be final.

In our opinion the procedure contemplated by the Bill as introduced was cumbrous and gave too little responsibility to the President.

Clause 28.—Omitted with reference to [clause 8 (2)].

Clauses 29 *and* 30.—[Clauses 28 and 29.] The slight verbal modifications in these clauses [clauses 28 and 29] call for no special remark.

Clause 31.—[Clause 30.] Sub-section (2) has been omitted as unnecessary.

Clause 34.—We have slightly modified the wording of this clause [clause 33 (1)] without affecting the substance. We have added a new sub-clause [clause 33 (2)] empowering the President to require the Commissioner to attend a meeting of the Council or of a Standing Committee.

Clause 38.—We have added words to this clause [clause 37] to ensure that the President shall have full access to all records of the Corporation.

Clause 41.—We have omitted this clause as unnecessary with reference to section 62 of the Government of India Act, 1915.

Clause 46.—We have omitted this clause as unnecessary and as giving an undesirable power to a majority in the Council.

Clause 48.—We have substituted in this clause [clause 45] 30 divisions for 24 in accordance with our proposals [clause 5 (1) (*a*)].

Clause 50 (1).—We have made an addition to this clause [clause 47 (1)] to make it clear that the electoral roll published in any year shall remain in force until the publication of a fresh one. We have omitted sub-clause (*b*) which provided for a separate list of persons qualified to be candidates, because we considered that except as provided in clause 51 (*b*) all persons qualified to vote should be qualified to stand for election.

Clause 51.—We have omitted this clause and have provided a new sub-clause in clause 53 [49 (2)] for representatives voting on behalf of companies or associations. We have considered it unnecessary to make specific provision for representatives voting on behalf of joint families because the payment of tax will carry with it the right to vote.

Clause 53.—[Clause 49 (1).] Sub-clause (*a*) has been modified in consequence of the decision that the payment of any sum as property tax, companies tax or profession tax shall qualify for inclusion in the electoral roll. We have eliminated all personal qualifications and we have proposed to fix in sub-clause (*b*) a minimum annual value of Rs. 60 as qualifying for the occupancy vote. We have added explanations to this clause to elucidate what is meant by occupancy, to prevent plurality of voting by occupiers and by persons having residences in more than one division. [Explanations 2 and 3 to clause 49 (1).]

Clauses 54 *and* 55.—Clause 54 has been omitted in consequence of the omission of clause 51, and clause 55 is provided for by explanation [clause 49 (1)].

Clause 57.—[Clause 51.] We have recast this section defining the qualifications of candidates with reference to the qualifications of voters [clauses 48 and 49] and to our recommendation that all persons of the male sex who are qualified to vote shall also be qualified to stand for election.

Clause 58 (1) (*b*) (iii).—[Clause 52 (1) (*b*) (iii).] We have modified the wording of this sub-clause so as to disqualify persons working as legal practitioners to the Corporation from becoming candidates for election to the Council and we have limited the effect of the proviso to the sub-section in the Bill as introduced so as to exclude from the Council all persons who have any relations of the nature of a contract with the Corporation except as purchasers or holders of municipal securities.

Clause 59.—[Clause 53.] We have provided for the exclusion from the Council of persons employed as paid legal practitioners on behalf of the Corporation or accepting employment as legal practitioners against it. [Sub-clauses (1) (*e*) and (1)(*f*).] We have added a provision [sub-clause (2)] corresponding to sub-clause (2) of the preceding clause 58 [52]. We have redrafted the provisos to clause 59 as introduced without materially affecting the substance. [Sub-clauses (3) and (4) of clause 53.]

Clause 60 (1).—[Clause 54 (1).] We have so worded sub-clause (1) of this section as to leave the decision of questions of disqualification to be settled by the Chief Judge of the Small Cause Court in the case of disqualifications both of candidates and of councillors.

Clause 64.—[Clause 58.] We have provided that in the case of equality of votes an immediate decision by lot shall be taken.

Clause 65 (1).—[Clause 59 (1).] We have provided that the Governor in Council may make rules for the conduct of elections by institutional and other electorates as well as of divisional elections.

Clause 65 (2).—We have omitted as unnecessary sub-clause (2) (*b*) in the Bill as introduced and have retained sub-clause (2) (*c*) as sub-clause (2) (*b*).

Clause 69.—[Clause 63.] We have added words in sub-clause (1) (*a*) of this section so as to make the lending or agreeing to lend property, money, etc., with corrupt intention an offence within the meaning of the section, but have added an explanation excluding from the section agents, clerks or messengers or others who may, in accordance with the rules made by the Governor in Council, be employed for remuneration by a candidate at an election.

We have inserted a new clause [clause 70] to provide for an appeal to the High Court from any conviction or sentence passed for an election offence.

Clause 80 (1) *and* (2).—[Clause 75 (1) and (2).] We have inserted in this clause words which limit the Commissioner's power of disposal to disposal by sale or exchange.

Clause 83 (2).—[Clause 78 (2).] We have considered it desirable to limit the powers of the Standing Committee to estimates not exceeding Rs. 50,000.

Clause 84 (1).—[Clause 79 (1).] We have made corresponding alteration in the value of projects to be submitted to the Council. We propose that estimates for works costing more than Rs. 50,000 but not more than $2\frac{1}{2}$ lakhs shall need the sanction of the Council.

Clause 84 (1) (*c*), (2), (3) *and* (4).—[Clause 79 (2) (*a*), (*b*), (*c*) and (*d*).] We have rearranged these sub-clauses dealing with the submission to the Governor in Council of projects the cost of which exceeds Rs. 2,50,000.

Clause 85.—[Clause 80 (1).] We have introduced a clause empowering the Council generally to enter into and perform contracts necessary or expedient for the purposes of the Act and in sub-clauses (*c*) and (*d*) [sub-clauses (2) (*c*) and (2) (*d*)] we have imposed limitations on the power of the Commissioner and the Standing Committee corresponding to those proposed by us in the case of sanction of estimates. We have also added a provision [sub-clause (3)] for variations of contracts.

Clause 86 (2).—[Clause 81 (2) and (3).] We have provided that the Commissioner shall have the custody of the Corporation seal and have inserted [sub-clause (3)] a provision that contracts executed otherwise than as provided in the section shall not be binding.

Clause 88.—[Clause 83.] We have omitted the illustration and slightly shortened the wording of this clause.

Clause 90.—We have omitted clause 90 because it was considered undesirable that there should be two separate establishments, one of which would be out of the control of the Commissioner.

Clause 97 (2).—[Clause 91 (2) and (3).] We have altered this sub-clause so as to give the Council the power of final sanction to the schedule.

Clauses 100 *to* 105.—We have omitted these sections for the same reasons which have induced us to omit clause 90. It is in our opinion unnecessary to make special statutory provision for the appointment and duties of the municipal secretary, and on general grounds we consider that the appointment of an almost independent official in the position of secretary will weaken the municipal executive.

Clause 108 (1).—[Clause 96 (1).] We have provided for an appeal to the Standing Committee in the case of any officer or servant on a salary of not less than Rs. 100, while we have dispensed with the provision which renders necessary the previous sanction of the Standing Committee for an order of removal or dismissal in the case of officers on a salary exceeding Rs. 200.

Clause 109.—[Clause 97.] Following on the omission of clauses 100 to 105 we have omitted reference in this clause to the special council establishment.

PART III.

TAXATION AND FINANCE.

Chapter V.—Taxation.

Clause 110.—[Clause 98.] We have modified the wording of this clause so as to make it optional with the Corporation to levy the various taxes enumerated. In deference to the wishes of the Corporation we have introduced [sub-clause (*f*)] a provision for a tax on timber and firewood brought into the City. The provision in the existing Act for the levy of a licence fee was omitted from the Bill as introduced because it was considered that anything in the nature of an octroi was objectionable, but it is pointed out that the impost has been in existence for many years without noticeable inconvenience and that it brings in a not inconsiderable revenue with which the Corporation cannot dispense. We have renumbered sub-clauses (*f*) and (*g*) [sub-clauses (*g*) and (*h*)] and have slightly modified the wording of the last named clause without affecting the substance.

Clause 111 (1) (*b*).—[Clause 99 (1) (*b*).] We have omitted as unnecessary the specific reference to public markets and Corporation buildings in this sub-section.

Clause 113.—[Clause 101.] We have omitted the exemption of property vested in the Trustees of the Port of Madras and have proposed to repeal the exemption extended to such property, inserting the necessary provision in schedule I of this Act for the repeal of section 34 of the Madras Port Trust Act, 1905.

There is no corresponding exemption in Bombay and Calcutta and we see no good reason why it should continue in Madras.

We have decided, after careful consideration, to recommend no exemption in the case of educational buildings and orphanages.

Clause 113 (*e*).—[Clause 101 (*d*).] For the term 'public land' we have substituted a more particular enumeration to which additions may be made from time to time by Government with the consent of the Corporation.

Clause 117 (3).—[Clause 105.] We have omitted as unnecessary sub-clause (3) of this clause as introduced.

Clause 122.—[Clause 110.] For the words 'Joint stock company or other company' we have substituted the words 'Incorporated company' and we have raised the maximum of the tax payable from Rs. 500 to Rs. 1,000.

Clause 123 (1).—[Clause 111 (1).] We have added explanations to this sub-clause to make it clear that it extends to persons who exercise their professions or callings or hold appointments within the limits of Fort St. George and to persons in receipt of pensions.

Clause 129 (3).—[Clause 117.] We have omitted this sub-section as unnecessary and have renumbered sub-clauses (4) and (5).

Clause 130.—[Clause 118.] We have recast the sub-clause relating to exemption without affecting the substance.

[*Clause* 129].—We have inserted [clause 129] provisions ancillary to the introduction in clause [98] of the tax on timber and firewood. We provide as in the existing Act for a maximum rate in the case of timber of Rs. 5 per ton and in the case of firewood of 6 annas per ton and for a rebate of nine-tenths of the tax levied in cases where timber or firewood is exported beyond the city—vide section 327 of the Madras City Municipal Act.

Clause 142 (*b*).—[Clause 131 (*b*).] We have inserted words enabling the Standing Committee to make regulations for the guidance of the Commissioner in the farming out of tolls.

Clause 144.—[Clause 133.] We have omitted as unnecessary sub-clause (*a*) and have renumbered sub-clauses (*b*) and (*c*) as sub-clauses (*a*) and (*b*).

Clause 150.—We have omitted as unnecessary the provision empowering the Council with the sanction of the Governor in Council to grant exemptions from the payment of any tax, duty or toll as we think that it is not desirable that such a power should exist.

Clause 151.—We have omitted with reference to [clause 20 (2)] the provision empowering the Standing Committee to write off an irrecoverable tax, duty or toll.

Clause 152.—[Clause 138.] We have omitted as unnecessary sub-clauses (*a*) to (*e*) of this clause and have retained the simple provision declaring that the rules and tables embodied in Schedule IV shall be read as part of this chapter.

Clause 168.—[Clause 154.] We have altered the due date for the submission of the budget from the 10th of November each year to the 10th of December.

We have omitted the sub-clause (2) of this section which requires that the estimate with the budget shall be accompanied by the proposals of the Director of Public Instruction and the Surgeon-General in respect of elementary education and of hospitals respectively. We have also omitted sub-clause (3) of this section which requires the Commissioner to sanction or obtain sanction to all estimates for new works and special repairs not less than six weeks before the meeting of the Council to consider the budget. These provisions have in practice been found unnecessary or unworkable.

Clause 169 (3).—[Clause 155 (3).] We have substituted for the 15th of December, 15th of January in consequence of the alteration of date in [clause 154].

Clause 170.—[Clause 156.] We have for similar reasons altered the month for the consideration of the budget by the Council from January to February.

PART IV.

PUBLIC HEALTH, SAFETY AND CONVENIENCE.

Chapter VII. Water-supply, Lighting and Drainage.

Clause 180.—[Clause 166.] We have inserted after this clause a new clause [167 (1) and (2)] prohibiting building over mains without the permission of the Commissioner.

Clause 182 (2).—[Clause 169 (2).] We have omitted as unnecessary the proviso to this sub-clause and for similar reasons we have omitted from sub-clauses (2) and (3) the word 'masonry,' making the clause applicable to any dwelling house assessed at the specified annual value.

Clause 183 (1).—[Clause 170 (1).] We have altered the wording of this clause so as to require the sanction of the Standing Committee to the supply by the Commissioner of water for any purpose other than domestic consumption or use.

Clauses 184 *and* 185.—[Clause 171.] We have confined the obligatory supply to the Port Trust and Fort St. George and provided for permissive supply to any other local authority within or without the city, the terms as to payment, period and conditions of supply being determined by the Council subject to appeal in respect of such terms to the Governor in Council whose decision shall be final.

We have omitted the provision in clause 185 of the Bill as introduced for obligatory supply of water to public cemeteries, gardens or institutions within the city administered by the Governor in Council.

Clause 186.—We have omitted as unnecessary the provision for the permissive supply of water to persons without the city not being a public administration or local authority.

Clause 187 (1) (*b*).—[Clause 172 (1) (*b*).] We have extended the period of grace for payment of water-tax from fifteen to thirty days.

We have omitted sub-clause (*d*) of clause 187 (1) empowering the Commissioner to cut off the supply of Corporation water from any premises if the owner or occupier neglects within a given period to put up a meter, or to comply with any other lawful order or requisition.

We have also omitted the proviso to sub-clause (1) of this clause.

We have renumbered sub-clauses (*e*), (*f*), (*g*) *and* (*h*) of sub-clause (1) as introduced to read (*d*), (*e*), (*f*) and (*g*).

Clause 188.—[Clause 173.] We have omitted in this clause the parenthesis which excepts the case of express stipulation in an agreement for the supply of water for other than domestic purposes.

Clauses 194 *and* 195.—[Clauses 179 and 180.] We have transposed the order of these clauses.

Clause 194 (1) (*b*).—[Clause 180 (1) (*b*).] We have provided that in the circumstances contemplated by this sub-clause drains should be constructed at the cost of the Corporation rather than at the expense of the owner.

Clause 196.—We have omitted this clause since the need for such provision has not hitherto arisen and it would, we anticipate, give rise to many disputes.

Clause 197.—We have omitted this clause for similar reasons.

Clause 209.—[Clause 192.] We have modified the wording of this clause so as to make it applicable only to the case of a pipe or drain or other work connected with the water-supply or drainage of the city to be carried across a line of railway.

Clause 210 (3).—[Clause 193.] We have omitted as unnecessary sub-clause (3) of this clause.

Clause 212 (1).—[Clause 195 (1).] We have provided for the previous sanction of the Standing Committee to the issue by the Commissioner of a public notice under this sub-clause.

We have also inserted a provision [sub-clause (2)] empowering the Commissioner in certain cases to direct the collection of rubbish and filth accumulating in any latrine by the owner or occupier and its deposit in municipal carts and we have renumbered sub-clause (2) as sub-clause (3).

We have omitted sub-clauses (3) and (4) of this clause.

Clause 223 (1).—[Clause 206 (1).] We have omitted the words "in accordance with the orders of the Governor in Council" since they would impose an unnecessary restriction in the case of land belonging to the Corporation, while the Act cannot give the Corporation power to dispose of land which does not belong to it.

Clause 224 (1) (*b*), *proviso*; *sub-clauses* (2) *and* (3).—We have omitted these provisions though they are taken from the existing Act. They have hitherto been a dead letter and appear to be wrong in principle. We have renumbered sub-clauses (4) and (5) as sub-clauses (2) and (3) of clause 207.

Clauses 225, 226, 227 *and* 228.—[Clauses 208, 209, 210, 211.] We have entirely redrafted these clauses with a view to greater lucidity and simplicity.

Clause 229.—[Clause 212.] We have omitted as unnecessary the proviso to sub-clause (2) and sub-clause (3) in the Bill as introduced and have renumbered sub-clause (4) as sub-clause (3).

Clause 232.—[Clause 214.] We have inserted after clause 232 a provision [clause 215] compelling the owner of land utilizing or otherwise disposing of such land as sites for the construction of buildings, to lay down a street or road giving access to such of the sites as do not abut on an existing public or private street.

Clause 258.—[Clause 240.] We have inserted a new sub-clause (5) with reference to the provisions of the new clause 215.

Clause 263.—[Clause 245.] We have inserted a provision [clause 246] to make it clear that the preceding sections do not apply to huts.

Clause 269.—[Clause 252.] We have added a sub-clause [sub-clause (4)] to this clause similar to that added in clause 258 [clause 240].

Clause 295.—[Clause 278.] We have inserted after this clause a new clause [clause 279] prohibiting the keeping of lodging houses without licence from the Commissioner.

Clause 302.—[Clause 286.] We have omitted as unnecessary the explanation to this clause.

Clause 305.—[Clause 289.] We have introduced, as [sub-clause (*c*)] to this clause, a provision relating to the use or employment of steam whistles, etc., and we have eliminated clause 306.

Clause 325.—[Clause 308.] We have added a provision [sub-clause (*f*)] to this clause empowering the Commissioner to require a separate area to be set apart in market buildings and market places for different classes of articles.

Clause 337 (3).—[Clause 320.] We have omitted sub-clause (2) to this section regarding the farming out of rents and fees levied at burial and burning grounds, etc., and have renumbered sub-clause (3) as sub-clause (2).

Clause 347 (2).—[Clause 330 (2)]. We have omitted from this clause the provision for the payment of a fee to private practitioners for intimating the occurrence of cases of dangerous disease. We consider that as the duty of reporting is laid upon medical practitioners, no fee should be payable.

Clause 350 (1).—[Clause 333 (1).] We have redrafted this clause for greater lucidity and in doing so we have taken the opportunity to provide for a class of cases which not infrequently arises in which a person already in a general hospital is found to be suffering from a dangerous disease. There is at present no authority to prevent the relations of such a person from taking him away before the health officer can take steps for his isolation.

Clause 355.—We have omitted this clause as imposing on the sufferer the duty of determining whether he can carry on his calling without risk of spreading the disease, which is inappropriate to the conditions in this country.

Clause 356 (1).—For similar reasons we have omitted this sub-clause, as also sub-clause (3) which prohibits the driver of a public conveyance from carrying a person suffering from a dangerous disease, who has not taken proper precautions against spreading it. We have renumbered the sub-clauses in this clause [sub-clauses (1), (2), (3) and (4) of clause 338].

Clause 357 (1) *and* (2). [Clause 339 (1) and (2)]. We have recast this clause.

Clause 358.—[Clause 340.] We have inserted a new clause [341] empowering the Commissioner to close places of public entertainment in the event of the prevalence of a dangerous disease within the city.

Clause 364.—[Clause 347]. We have redrafted this clause in simpler form and have made it clear that the rule-making power of the Government does not extend to matters expressly provided for in the Act. We have also specified in sub-clause (3) the portions of schedule V which may be altered, added to or cancelled by the Governor in Council by means of rules made in that behalf.

Clause 365.—[Clause 348.] We have added a new sub-clause [(*c*)] providing for the publication of rules and the effect of such publication.

Clause 366.—[Clause 349.] We have redrafted this clause with a view to greater clearness.

Clause 368.—We have omitted this clause.

Clause 370 (2).—[352.] We have omitted this sub-clause.

Clause 378.—[Clause 360.] We have inserted a new clause [361] providing a penalty for wilfully preventing distraint, transferring this provision from rule 32 of Schedule IV—Part VII.

Clause 383.—[Clause 366.] We have added a new sub-clause [(*f*)] to this clause with reference to the possible provisions of rules made under clause 364 [clause 347].

Clause 403.—We have omitted this clause as being merely a repetition of clause 394 [377].

Clause 405.—This is omitted as superfluous.

Clause 410.—[Clause 396.] We have redrafted this clause in a simpler form.

Clause 417 (*b*).—[Clause 398 (*b*).] We have added words empowering the Governor in Council to declare what offences against the Act, rules, by-laws and regulations shall be compoundable by the Commissioner.

Clause 419.—[Clause 400.] We have provided that the Council shall not institute a suit against the Commissioner or a councillor for loss, waste or misapplication without the sanction of the Governor in Council, and we have added a new sub-clause [(2)] to this clause prescribing that suits against the Commissioner or against the Councillor must be commenced within three years after the date of the cause of action.

Clause 429 [410].—After this clause we have inserted clause 432 relating to the procedure for the recovery of arrears of taxes, etc., due to the Corporation at the time when this Act comes into force and have numbered the new clause 411.

SCHEDULE I.

We have proposed to add to the list of enactments repealed in the Bill, section 34 of the Madras Port Trust Act, 1905, which exempts the Port Trust property from municipal taxation.

SCHEDULE II.

We have omitted rule 1 (*a*) and (*b*) and have substituted a new rule [5] providing for the performance by the Commissioner of the duties of the President during the vacancy in the latter office. We have renumbered the succeeding rules.

Rule 7 (2).—Following on the proposed increase in the strength of the Council, we have fixed the quorum at 15 councillors at a general meeting and 20 at a special meeting.

Rule 15.—We have added a new rule [15] to define the procedure to be adopted should two Standing Committees pass conflicting decisions.

SCHEDULE IV—PART II.

Rule 7.—We have revised the scale for the assessment of companies so as to double the half-yearly tax leviable.

Rule 9.—We have omitted this rule, with reference to the wording of clause 123 (1) [clause 111 (1)].

Rule 11.—[Rule 10 (*a*)]. We have revised the classification of and to some extent enhanced the scale of taxation on carriages and animals.

Rule 12 (*a*).—[Rule 11 (*a*)]. We have revised and simplified the scale of rates for the levy of tolls without material enhancement.

Rule 16.—[Rule 14]. We have altered this rule so as to provide for the decision of the Standing Committee on cases in which the applicant is dissatisfied with the Commissioner's order on a petition of revision.

Rule 17.—[Rule 15]. We have inserted a new sub-clause [(*b*)] in this rule empowering the court for sufficient cause to excuse delay in the presentation of an appeal.

Rule 29 (*a*).—[Rule 27 (*a*)]. We have revised and simplified the scale of fees leviable on distraints.

Rule 29 (*c*).—We have omitted this sub-clause.

Rule 30 (*a*).—[Rule 28 (*a*)]. We have made this rule applicable only to the movable property of the defaulter.

Rule 32 (1) has been omitted on the ground that it is not desirable that failure to pay the property, companies or profession tax within 15 days of the service of a bill should be followed by prosecution.

Rule 32 (2) now appears as clause 361 of the Bill and rule 33 as clause 396.

SCHEDULE V.

Schedule V has been divided into parts so as to distinguish those which [clause 347 (3)] are alterable by rule from those which are not.

Rule 4.—We have added to the category of objects of expenditure the organization and maintenance of health associations; and associations for the prevention of juvenile smoking and cruelty to children.

Rule 5.—We have included in the category of incidental objects of expenditure the payment of out-of-pocket expenses incurred bona fide by councillors in the discharge of any special duties entrusted to them and the acquisition of land for all or any of the purposes of the Act.

Rule 6.—Wehave omitted this rule since it appears to us unnecessary to declare by statute the list of obligatory objects of expenditure.

Rule 10.—We have omitted in this rule the last three words as we consider it unnecessary to limit the presentation of addresses to distinguished persons only when visiting the city.

Rule 14.—We have omitted this rule and renumbered the succeeding rules.

SCHEDULE VI.

We have altered the schedule so as to make it unnecessary to take out licences for the storage of certain articles for the preparation or manufacture of which however licences should be compulsory.

SCHEDULE VII.

The alterations in this schedule are chiefly consequential.

We propose under the new clause 129 (2) to prescribe a fine of Rs. 100 for the importation of timber and firewood without payment of the tax.

For failure to obey the direction under section 195 (2) we propose a fine of Rs. 10. For failure to close a place of public entertainment [clause 341] we propose a fine of Rs. 200.

5. In dealing with a measure of such importance and complexity of detail, it has not been possible to arrive in all cases at unanimity of opinion, and in respect of many points the provisions embodied in the Bill, as revised by us, represent the views of the majority only of the Select Committee. We have thought it right, in presenting our report, to emphasize this point, and in recommending that the Bill, as amended in Select Committee, be passed into law, to make it clear that that recommendation is without prejudice to the views of the minority in respect of those matters upon which it has not been possible to secure full agreement.

P. RAJAGOPALACHARI.
S. SRINIVASA IYENGAR.
R. A. GRAHAM.
T. RANGACHARI.
GORDON FRASER.
V. K. RAMANUJACHARI.
A. SUBRAYALU.
T. RICHMOND.
J. H. THONGER.
YAQUB HASAN.
(Subject to a minute of dissent.)
M. AZIZ-UD-DIN.

31*st December* 1918.

MINUTE OF DISSENT.

I have signed the report of the Select Committee on the Madras City Municipal Bill subject to the following separate minute.

Ever since the Government of this country has passed directly from the hands of Mussalman rulers to the British it has been recognized by the Government as well as the general public that Mussalmans as a community form an important part of the Indian nation and as such must be adequately represented on all public bodies as well as in the Government services. Keeping this in view special efforts were made and continue to be made both by Government and the community to give them western education, so that they may be better fitted to discharge the duties of enlightened citizenship and may take their legitimate share in the councils of the people and the State and in the administration of the country. The Government charged itself with the obligation of giving Mussalmans adequate number of appointments in all departments of Government service and a number of Mussalmans were being nominated as a matter of course to all the municipal and local bodies and legislative councils in all Provinces. The late Sir Saiyid Ahmad Khan while

welcoming in Lord Ripon's Council the Bill that introduced local self-government in India, laid special stress on the need of reserving a large number of seats for nomination by Government, for he anticipated that the Muslim minority would not get adequate representation through general electorates and would have to depend on Government nomination for it. When the expansion of legislative councils was in the air, Mussalmans took the famous deputation to Simla in 1908 and His Excellency Lord Minto acknowledged the fairness of the Muslim demand and committed the Government to the undertaking that Muslim community shall have on all public bodies a representation in proportion to their population and importance. Mr. Montagu, the Secretary of State, and His Excellency Lord Chelmsford, the Viceroy, have very wisely recognized in their report on the Indian Constitutional Reforms that any departure from the solemn promise made to the Muslim community would be rightly considered to be a breach of faith on the part of the Government. The principle of separate representation for Mussalmans gains an additional weight by the compact made between the Indian National Congress and the Muslim League in respect of the separate electorates for the Legislative Councils

Now that the Legislative as well as the local and municipal bodies are being reconstituted and the local self-government is specially being broad based on the will of the people, the question of Muslim representation on the premier municipal body of the Presidency cannot be disposed of as light-heartedly as the Select Committee has done. The Committee has however thought it fit to record its opinion that it is desirable that four seats be reserved for Muhammadans under clause 5 (1) (e). The latter sub-section runs as follows :—

"(*e*) Seven elected or appointed by such other associations, corporate bodies or classes of persons as the Governor in Council may by notification direct."

The Committee could have given effect to its own recommendation by inserting in the sub-section (*e*), that four councillors shall be elected by the Muslim community. As it is, it is left to the Governor in Council to direct, from time to time whenever he chooses to do so, by notification the election or appointment by Muhammadans as 'a class of persons' or through an 'association' of four or less Muslim councillors. This is a slight advance on the present condition for now, Muslim representation is entirely dependent on nomination by the Governor in Council. The Committee has quite properly reduced 'the number of appointments in the gift of the Governor' from nine to five, for nomination is the most undesirable means of giving any community or class a representation on a body which is mainly an elected one.

My community will not be satisfied by the mere recommendation of the Select Committee and will not like the important matter of its representation to be left entirely to the sweet will and pleasure of a Governor. It insists on suitable and definite provision being made in the Bill. It wants its representation to be secured on the same basis as is proposed to be done in the case of Legislative Councils or as it has been provided in the United Provinces Municipalities Act of 1916. The Mussalmans who are qualified to vote at the election of divisional councillors should be formed into as many groups as is the number of seats allotted to them, and they should exercise their franchise in the same manner as other voters do. In case this provision is made in the Bill, the names of Muslim voters may be omitted from the divisional electoral rolls, so that no Mussalman may have more than one vote.

As for the number of Muslim councillors, at least fifteen per cent of the seats allotted to (*a*) the divisions and (*e*) to the associations and classes—total 37—should be given to the Muslim community. In other words there should be at least six Muslim councillors elected by Muslim voters in the thirty divisions of the City.

31*st December* 1918. YAQUB HASAN

MADRAS CITY MUNICIPAL BILL, 1918.

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[Note.—1. The alterations made by the Select Committee are printed in clarendon type.
2. The figures in square brackets on the margin denote the clauses of the Bill as introduced.]

MADRAS CITY MUNICIPAL BILL, 1918.

BILL No. 6 OF 1918.

A Bill to consolidate and amend the law relating to the Municipal affairs of the City of Madras.

[As amended by the Select Committee.]

WHEREAS it is expedient to consolidate and amend the law relating to the municipal affairs of the City of Madras **and whereas the previous sanction of the Governor-General has been obtained under section 79 of the Government of India Act, 1915, to the passing of this Act**; It is hereby enacted as follows :— Preamble.

PART I.

CHAPTER I.—PRELIMINARY.

1. (1) This Act may be called the Madras City Municipal Act, *1919*. Title and extent. [1]

(2) Except as hereinafter expressly provided it extends only to the City of Madras.

2. The enactments mentioned in schedule I are repealed to the extent specified in the fourth column thereof. Repeal of enactments. [2]

3. In this Act, unless there is anything repugnant in the subject or context— Definitions. [3]

(1) "*Appoint*" *includes to appoint temporarily or in an officiating capacity.* "Appoint."

(2) "*Appointment*" *includes temporary and officiating appointments.* "Appointment."

(3) "*Budget grant*" *means any sum entered on the expenditure side of a budget estimate which has been adopted by the council.* "Budget grant."

(4) "*Building*" *includes a house, out-house, stable,* latrine, *shed, hut, wall (other than a boundary wall not exceeding eight feet in height) and any other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever.* "Building."

(5) "Building-line" means a line which is in rear of the street-alignment and to which the main wall of a building abutting on a street may lawfully extend. "Building-line."

(6) "*Carriage*" *includes any wheeled vehicle with springs or other appliances acting as springs ; and any kind of motor-car, motor lorry, motor-omnibus, motor-cycle, bicycle, tricycle and rickshaw.* "Carriage."

(7) "*Cart*" *includes any wheeled vehicle which is not a "carriage."* "Cart."

(8) "*Casual vacancy*" *means a vacancy occurring otherwise than by efflux of time in the office of a divisional councillor or in any other elective office, and "Casual election" means an election held on the occurrence of a casual vacancy.* "Casual election."

(9) "City of Madras," or "City," means the area declared **by the Governor in Council** by notification to be the City of Madras **but excludes Fort St. George with the glacis.** "City of Madras."

(10) "Dangerous disease" *means*— "Dangerous disease."

(*a*) cholera, plague, smallpox, *tuberculosis*, diphtheria, enteric fever, typhoid fever, and *measles*, and

(*b*) any other disease notified *under section* **329**.

(11) "*Filth*" *includes sewage, night-soil, dung, dirt, putrid and putrefying substances and all offensive matter.* "Filth."

"Hut." (12) "*Hut*" *means any building* **which is constructed principally of wood, mud, leaves, grass or thatch and includes any temporary structure of whatever size or any small building of whatever material made which the council may declare to be a hut for the purposes of this Act.**

"Latrine." (13) "*Latrine*" *includes privy*, **water-closet** *and urinal.*

"Municipal office." **(14)** "Municipal office" means the *principal office of the corporation.*

"Occupier." **(15)** "Occupier" includes any person for the time being paying or liable to pay to the owner the rent or any portion of the rent of the land or building *or part of the same* in respect of which the word is used.

"Ordinary election." **(16)** "*Ordinary election*" *means an election held to fill a vacancy in the office of divisional councillor or in any other elective office arising by efflux of time.*

"Owner." **(17)** "Owner" includes (a) the person for the time being receiving, or entitled to receive whether on his own account or as agent, trustee, **guardian, manager or receiver** for another person **or for any religious or charitable purpose** the rent or profits of the property, **in connexion with which the word is used, (b) the person for the time being** in charge of the animal or vehicle, in connexion with which the word is used.

"Prescribed." **(18)** "*Prescribed*" *means prescribed by the Governor in Council by rules made under this Act.*

"Private street." **(19)** "Private street" means any street, road, square, court, alley, passage or riding-path which is not a "public street" but does not include a pathway made by the owner of *premises* on his own land to secure access to or the convenient use of such *premises.*

"Public street." **(20)** "Public street" means any street, road, square, court, alley, passage or riding-path whether a thoroughfare or not, over which the public have a right of way, and includes—

(*a*) the roadway over any public bridge or causeway,

(*b*) the foot-way attached to any such street, public bridge or causeway; and

(*c*) the drains attached to any such street, public bridge or causeway and the land, whether covered or not by any pavement, veranda, or other structure, which lies on either side of the roadway up to the boundaries of the adjacent property, whether that property is private property or property **belonging to** Government.

"Railway." **(21)** "Railway" includes a tramway.

"Reconstruction." **(22)** "Reconstruction" of a building includes—

(*a*) the *re-erection wholly or partially* of a building after more than one-half of its cubical *content* has been taken down or burnt down or has fallen down, *whether at one time or not;*

(b) the re-erection, wholly or partially of any building of which an outer wall has been taken down or burnt down or has fallen down to or within ten feet of the ground adjoining the lowest storey of the building, and of any frame building, which has so far been taken down or burnt down or has fallen down as to leave only the frame-work of the lowest storey;

(c) the conversion into a *dwelling-house or a place of public worship* of any building not originally constructed for human habitation *or for public worship, as the case may be, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only or the conversion of a dwelling-house into a factory;*

(d) *the re-conversion into a dwelling-house or a place of public worship or a factory of any building which has been discontinued as, or appropriated for any purpose other than, a dwelling-house or a place of public worship or a factory, as the case may be;*

"Residence"—"Reside." **(23)** *A person is deemed to have his "residence" or to "reside" in any house if he sometimes uses any portion thereof as a sleeping apartment, and*

a person is not deemed to cease to reside in any such house merely because he is absent from it or has elsewhere another dwelling in which he resides, if he is at liberty to return thereto at any time and has not abandoned his intention of returning.

"Rubbish." **(24)** "Rubbish" means dust, ashes, broken bricks, mortar, broken glass, and refuse of any kind which is not "*filth.*"

(25) "Salary" means pay and acting pay, or payment by way of commission, and includes exchange compensation *allowances*, but not allowances for house-rent, carriage hire, or travelling expenses. "Salary."

(26) "Street-alignment" means a line dividing the land comprised in and forming a part of a street from the adjoining land. "Street-alignment."

(27) "Year" means the financial year. "Year."

PART II.

CONSTITUTION AND GOVERNMENT OF THE CORPORATION.

CHAPTER II.—THE MUNICIPAL AUTHORITIES.

Composition of the Corporation.

4. The municipal authorities charged with carrying out the provisions of this Act are— Enumeration of authorities. [4]

(a) a council,

(b) standing committees of the council,

(c) a commissioner.

5. (1) *The council shall consist of* **fifty** *councillors elected or appointed* as follows:— Constitution of council. [5]

(a) **thirty** *elected divisional councillors,*

(b) three *elected* by the Madras Chamber of Commerce,

(c) three *elected* by the Madras Trades' Association,

(d) *two elected by the South Indian Chamber of Commerce,*

(e) **seven** *elected or appointed* by such other associations, corporate bodies or classes of persons as the *Governor in Council* may by notification direct,

(f) **five** appointed by the *Governor in Council.*

(2) The council shall by name of the "Corporation of Madras" be a body corporate, and have perpetual succession and a common seal and may by such name sue and be sued.

6. There shall be four standing committees dealing respectively with (1) taxation and finance, (2) works, (3) health and (4) education. Constitution of standing committees. [6]

7. *The commissioner shall be appointed by the Governor in Council and shall not be a member of the council.* Definition of commissioner. [7]

The Several Authorities.

The Commissioner.

8. (1) *The commissioner shall hold office* **for a renewable period of three years.** Terms of office of commissioner. [8]

(2) The Governor in Council may at any time remove the commissioner from office and shall do so if at a special meeting of the council called for the purpose not less than 33 Councillors vote for such removal.

9. Subject, whenever it is hereinafter expressly directed, to the sanction of the *council* or the standing committee as the case may be, and subject to all other restrictions, limitations and conditions hereinafter imposed, the executive power for the purposes of carrying out the provisions of this Act shall be vested in the *commissioner*, who shall also perform all the duties and exercise all the powers specifically imposed or conferred on him. Powers of commissioner.

10. The commissioner shall be responsible for the custody of all the records of the corporation including all papers and documents connected with the proceedings of the council, the standing committees and other committees, and shall arrange for the performance of such duties relative to the proceedings of the said bodies as they may respectively impose. Custody of records.

11. The *commissioner* may, in cases of emergency, direct the execution of any work or the doing of any act which *would ordinarily require the sanction of one of the other municipal authorities* and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public and may direct that the expense of executing the work or of doing the act shall be paid from the municipal fund: Extra-ordinary powers of commissioner. [10]

Provided that he shall report forthwith the action taken under this section and the reasons therefor to *such other authority.*

Duty of commissioner. [11]

12. The *commissioner* shall devote his whole time and attention to the duties of his office, and shall not engage in any other profession, trade or business whatever;

Provided that this section shall not apply to any person appointed to officiate as *commissioner* for a period not exceeding three months.

Salary of commissioner. [12]

13. The *commissioner* shall be paid out of the municipal fund such salary and allowances not exceeding Rs. 2,500 per mensem in the aggregate as may *from time to time* be fixed by the *Governor in Council.*

Leave of commissioner [13]

14. (1) *Leave may be granted to the commissioner by the Governor in Council.*

(2) Whenever such leave is granted, the Governor in Council shall appoint some person to officiate in his place.

Service regulations of commissioner. [14]

15. (1) *If the commissioner is a civil or military officer in the service of the Government, the corporation shall contribute to his leave allowances, pension and provident fund to the extent required by the regulations* of the Governor-General in Council for the time being in force *with respect to civil or military officers.*

(2) *If the commissioner is not a civil or military officer in the service of the Government, his leave and leave allowances, his superannuation or retirement, his gratuity or pension and the proportions of his pensionary or provident fund contribution payable respectively from his salary and from the municipal fund shall be governed by regulations framed by the Governor in Council.*

Provided that—

(*a*) the amount of any such leave and leave allowances, gratuity or pension shall in no case without the special sanction of the **Governor-General in Council** exceed what would be admissible in the case of Government servants of similar standing and status; and

(*b*) the conditions under which such allowances are granted or any leave, superannuation or retirement is sanctioned shall not without similar sanction be more favourable than those for the time being prescribed for such Government servants.

Delegation of commissioner's ordinary powers. [15]

16. *The commissioner may delegate to the holder of any municipal office any of his ordinary* powers, duties or functions except those conferred or imposed upon, or vested in him by the following *provisions*, namely, sections **25 (3), 55, 56, 57, 58, 72 (3) and (4), 74, 75, 154, 169 (2), 178 (2) and (3), 179, 180, 183, 195, 217, 218, 256, 265, 271, 275, 282, 283, 284, 287, 288, 289, 290, 292, 293, 299, 306, 308, 309, 319, 323, 324, 335, 380, 391, 398, schedule IV, rule 14, schedule V, rules 13 and 14.**

Provided that—

(a) such delegation shall be in writing and shall specify the name or official designation of the person to whom the delegation is made;

(b) the *commissioner* shall not delegate his power under section **90**, to make appointments to offices carrying a salary of more than fifty rupees per mensem;

(c) the *commissioner* shall not delegate to *the holder of any office* his power under section **96** to fine, reduce, suspend, remove or dismiss any employee, or his power under section **97** to grant leave of absence to any employee, unless such employee was appointed by the holder of such office by virtue of a delegation of the *commissioner's* powers of appointment;

(d) the *commissioner* shall not delegate his power under section **80** to make on behalf of the corporation any contract involving an expenditure exceeding *two* thousand rupees;

(e) when the *commissioner* delegates under this section any power or duty which is exercisable or is required to be performed subject to the approval of **any** *other municipal authority*, the *commissioner* shall send a copy of *the order of delegation to such authority.*

Reservation of control in respect of powers delegated. [16]

17. The exercise or discharge by a municipal officer of any powers, duties or functions delegated to him under *section* **16** shall be subject to such *restrictions*, limitations and conditions (if any) as may be *laid down* by the *commissioner* and shall also be subject to **his** control and revision.

Delegation of commissioner's extraordinary powers. [17]

18. The *commissioner* may on his own responsibility and by an order *in writing* authorize the health officer or the engineer or the revenue officer *or any person in temporary charge of the duties of the health officer, engineer or revenue officer* to exercise the extraordinary powers *conferred on him by section* **11**.

The Standing Committees.

Election of standing committees. [19]

19. (1) Each standing committee shall consist of seven members elected by the council from its own number: provided that no councillor shall be a member of more than two standing committees at the same time.

(2) A councillor elected to be a member of a standing committee shall hold office as such, unless he sooner resigns the same, till his term of office as councillor is in any manner determined.

(3) When a vacancy occurs in a standing committee, the council shall fill up the vacancy as soon as may be by the election of another councillor.

Functions of standing committees.

20. (1) The council shall by regulations framed for the purpose determine the powers and duties of each standing committee.

(2) The 'taxation and finance' standing committee, in addition to the powers and duties assigned to it under such regulations,

(a) shall supervise the utilization of the budget grants;

(b) shall have access to the accounts of the corporation, and may require the commissioner to furnish any explanation which it considers to be necessary as to the receipts and expenditure of the municipal fund;

(c) may conduct a monthly audit of the municipal accounts and shall be bound to check the monthly abstract of receipts and disbursements for the preceding month as furnished by the commissioner; and

(d) may write off such sums due to the corporation as appear to the committee to be irrecoverable.

Construction of references to standing committee.

21. Wherever in this Act the expression "the standing committee" occurs, it shall unless the context otherwise requires, be deemed to refer to the particular standing committee to which the power or duty in connexion with which the expression is used, is assigned by this Act or by regulations made by the council; and all references to the standing committee in any other law shall be construed as references to the particular standing committee to which the power or duty conferred or imposed by such law is assigned by regulations made by the council.

Delegation of powers to commissioner by standing committees. [21]

22. (1) In any case in which it is provided by this Act or *any* other *law* that the commissioner may take action subject to the approval, sanction, consent or concurrence of a standing committee, *the* committee may, by resolution in writing, authorize him to take action in anticipation of *its* approval, sanction, consent or concurrence subject to such conditions (if any) as may be specified in such resolution.

(2) Whenever the *commissioner*, in pursuance of such resolution, takes any action in anticipation of the approval, sanction, consent or concurrence of a standing committee, he shall forthwith inform the committee of the fact.

The Council.

Description of functions of council. [23]

23. (1) Subject to the provisions of this Act the municipal government of the city shall vest in the council but the council shall not be entitled to exercise functions expressly assigned by or under this Act or any other law to a standing committee or the commissioner.

(2) If any doubt arises as to the municipal authority to which any particular function pertains, the president shall refer the matter to the Governor in Council whose decision shall be final.

(3) *Without prejudice to the generality of sub-section* (1) it shall be the duty of the *Council* to consider all periodical statements of receipts and disbursements and all progress reports and pass such resolutions thereon as it thinks fit.

Obligation laid on remaining municipal authorities to carry out resolutions of council. [24]

24. *The* standing committees and the commissioner *shall be bound to give effect to every resolution of the Council unless such resolution is cancelled in whole or in part by the Governor in Council.*

Duties and powers of individual councillors. [25]

25. (1) *Any councillor may* call the attention *of the proper authority* to any neglect in the execution of municipal work, to any waste of municipal property, or to the wants of any locality, and *may* suggest any improvements which he *considers* desirable.

(2) Every *councillor* shall have the right to interpellate the president on matters connected with the municipal administration subject to such *regulations* as may be framed by the *council.*

Local Government's power to direct the taking of action. [44]

42. If, on receipt of any *information or* report *obtained under section* **40** *or* **41,** *the Governor in Council is of opinion*—

(*a*) that any *duty* imposed on any municipal authority by or under this Act has not been performed or has been performed in an imperfect, inefficient **or** unsuitable manner, or

(*b*) that adequate financial provision has not been made for the performance of any such duty,

the *Governor in Council* may, by an order, direct the **council** *or* **the commissioner** within a period to be specified in the order, to make arrangements to *his* satisfaction for the proper performance of the *duty*, or to make financial provision to his satisfaction for the performance of *the* duty, as the case may be:

Provided that, unless in the opinion of the *Governor in Council* the immediate execution of such order is necessary, the *Governor in Council* shall, before making an order under this section, give the *council* an opportunity of showing cause why such order should not be made.

Local Government's power to appoint a person to take action in default at expense of corporation. [45]

43. (1) If, within the period fixed by an order issued under *section* **42,** any action directed under that section has not been duly taken, the *Governor in Council* may by order—

(*a*) appoint some person to take the action so directed,

(*b*) fix the remuneration to be paid to him, and

(*c*) direct that such remuneration and the cost of taking such action shall be defrayed out of the municipal fund, and if necessary, that any one or more of the taxes authorized by Part *III of this Act* shall be levied or increased, but not so as to exceed any maximum prescribed by that part.

(2) *For the purpose of taking the action directed as aforesaid the person appointed under sub-section* (1) *shall have power to make such contracts as are necessary, may* exercise any of the powers conferred on any municipal authority by or under this Act and specified in this behalf in the order issued under sub-section (1), *and shall be entitled to protection under this Act as if he were a municipal authority.*

(3) The *Governor in Council* may, in addition to, or instead of, directing the levy or increase of any *of the said* taxes, direct by notification that any sum of money which may in *his* opinion be required for giving effect to *his* orders be borrowed by debenture on the security of all or any of the said taxes at such rate of interest and upon such terms as to the time of repayment and otherwise as may be specified in the notification.

(4) The provisions of sections **142 to 153** shall, *as far as may be*, apply to any loan raised in pursuance of this section.

Submission of copies of proceedings, resolutions and by-laws to Local Government; Local Government's power to cancel resolutions and by-laws. [47]

44. (1) *The president shall submit to the Governor in Council copies of all resolutions and all by-laws.*

(2) *The Governor in Council may at any time by notification*—

(*a*) *cancel any resolution in whole or in part on the ground that it is in excess of the powers conferred by this Act or by any rules made under this Act;*

(*b*) *repeal wholly or in part or modify any by-law;*

Provided that before taking any action under this sub-section the Governor in Council shall communicate to the council the grounds on which he proposes to do so, fix a reasonable period for the council to show cause against the proposal and consider its *explanation and objections, if any.*

(3) *The repeal or modification of any by-law* shall take effect from *the* date of publication of the notification, if no date is *therein* specified, *and shall not affect anything done, omitted or suffered before such date.*

CHAPTER III.—ELECTION AND APPOINTMENT OF COUNCILLORS.

Qualifications and disqualifications of Voters, Candidates and Councillors.

Thirty electoral divisions. [48]

45. For the purposes of the election of divisional *councillors*, the city shall be divided into **thirty** divisions the boundaries of which shall be **notified** *by the Governor in Council.*

Election of one councillor for each division. [49]

46. *One divisional councillor shall be elected by ballot for each division of the city.*

47. (1) The *commissioner* shall *annually* prepare and publish *an electoral roll showing the names of* persons qualified to vote, *divided into separate lists for each division* **provided that the electoral roll published in any year shall remain in force till the publication of a fresh electoral roll.** Publication of electoral roll. [50]

(2) No person whose name does not appear *in the electoral roll as qualified to vote* shall *vote at an election.*

48. *No person shall be included in the electoral roll as qualified to vote unless* General qualifications to vote. [52]

(*a*) *he is a British subject or a subject of a* **Native** *State in India:*

Provided that the Governor in Council may with the sanction of the **Governor-General in Council** *exclude from the scope of this restriction any aliens or class of aliens*;

(*b*) *he* has attained the age of twenty-one years *in the year preceding that in which the electoral roll is published;*

(*c*) *he has paid the taxes, if any, due by him* **under the Act** *for such preceding year.*

49. **(1)** *No person shall be included in the electoral roll as qualified to vote at the election for a division unless he has resided in such division for one hundred and twenty days in the aggregate in the year preceding that in which the electoral roll is published, and either* Personal qualifications to vote. [53]

(*a*) *has paid in such preceding year* **any tax mentioned in clause (a), (b) or (c) of section 98,** *or*

(*b*) *has for* **not less** *than six months in such preceding year occupied a house in the city of* **an** *annual value* **of not less than sixty rupees.**

Explanation 1.—*A person shall be deemed to have made the payment required by clause* (*a*) *if he has paid the tax as sole mortgagee, tenant, guardian, or executor, or as sole administrator or trustee, not being the Administrator-General or Official Trustee.*

Explanation 2.—No person shall be deemed to occupy a house within the meaning of clause (b) unless he is paying or is liable to pay to the owner the rent thereof; nor shall more than one person be deemed to occupy the same house.

Explanation 3.—For the purposes of this sub-section no person shall be deemed to reside in more than one division.

(2) Any company or association which for the year preceding that in which the electoral roll is published has paid the tax mentioned in clause (a) of sub-section (1), shall be entitled to one vote in the division in which the principal office of such company or association is situated, such vote being given by the secretary of the company or association or some other person duly authorized in that behalf.

50. *No person who is of unsound mind or a deaf-mute shall be qualified to vote and no person shall be qualified to vote during the period for which he has been declared to be disqualified by a judicial order passed under section* 71, *and still in force.* Disqualification of voters. [56]

51. No person shall be qualified for election as *a councillor* unless— Qualification of candidates. [57]

(a) the name of such person appears on the electoral roll of any one division of the City; and

(b) such person is of the male sex.

52. (1) A person shall be disqualified for election or appointment *as a councillor* if such person— Disqualification of candidates. [58]

(*a*) has been at any time sentenced by any court to transportation, imprisonment or whipping for any non-bailable offence, such sentence not having been subsequently reversed or quashed, or

(*b*) is at the date of *nomination*, election or appointment—

(i) *of unsound mind, a deaf-mute or a leper*;

(ii) an uncertificated bankrupt or undischarged insolvent;

(iii) interested in a subsisting contract made with, or any work being done for, the corporation except as a shareholder (other than a director) in an incorporated company.

(iv) an officer or servant holding office under this Act, *a judge of the Small Cause Court* or a presidency magistrate; or

(v) *already a councillor whose term of office as such will not expire before his fresh election or appointment can take effect.*

Provided that a person shall not be deemed to have any interest in such a contract or work as aforesaid by reason only of his having an interest in any agreement for the loan of money or any security for the payment of money only.

(2) Notwithstanding anything contained in clause (*a*) of sub-section (1), the *Governor in Council* may direct that such sentence shall not operate as a disqualification.

(3) *No person shall be qualified for election or appointment during the period for which he has been declared to be disqualified by a judicial order passed under section* 71, *and still in force.*

Disqualification of councillors. [59]

53. (1) *Subject to the provisions of section* 54, *a councillor shall cease to be a councillor if he*—

(*a*) *is* sentenced by *a* court *as described in section* 52, *sub-section* (1), *clause* (*a*);

(*b*) *becomes of unsound mind, a deaf-mute, or a leper;*

(c) applies to be adjudicated or is adjudicated a bankrupt or insolvent;

(d) subject to the proviso to section 52, sub-section (1), acquires any interest in any contract made with or work being done or to be done for the corporation except as a shareholder (other than a director) in an incorporated company;

(e) is employed as paid legal practitioner on behalf of the corporation;

(f) accepts employment as legal practitioner against the corporation;

(g) *is appointed to any office or post referred to in section* 52, *sub-section* (1), *clause* (*b*), *sub-clause* (iv);

(h) *is declared to be disqualified by a judicial order passed under section* 71, *and still in force;*

(i) *ceases to reside in the city;* or

(j) fails for *three consecutive months* to attend *the meetings of the council:*

(2) Notwithstanding anything contained in clause (a) of sub-section (1) the Governor in Council may direct that such sentence shall not operate as a disqualification.

(3) Where a person ceases to be councillor under clause (a) or clause (h) of sub-section (1), he shall be restored to office for such portion of the period for which he was elected or appointed as may remain unexpired at the date of such restoration, if and when the sentence or order is annulled on appeal or revision or the disqualification caused by the sentence is removed by an order of the Governor in Council.

(4) In the case of a person who has ceased to be a councillor in consequence of failure to attend meetings the matter shall be reported by the commissioner at the next general meeting and the Council may at that meeting restore such person to office.

Decision of questions of disqualification of councillors by the chief judge of Small Cause Court. [60]

54. (1) Whenever it is alleged that any person who has been elected or appointed as a councillor is disqualified under section 52 or section 53 and such person does not admit the allegation *or whenever any councillor is himself in doubt whether or not he has become disqualified for office, such councillor or any other councillor may, and the commissioner, at the request of the council, shall, apply to the chief judge of the Small Cause Court.*

(2) *The said chief judge, after making such inquiry as he deems necessary, shall determine whether or not such* person is disqualified under section 52 or section 53 *and his decision shall be final.*

(3) *Pending such decision* such person *shall be deemed to be qualified.*

General Rules for Election and Appointment.

Elections of divisional councillors. [61]

55. (1) *The term of office of divisional councillors shall, save as otherwise expressly provided, be three years beginning and expiring at noon on the first day of November.*

(2) *Vacancies arising by efflux of time in the office of divisional councillor shall be filled at ordinary elections, which shall be fixed by the commissioner to take place on such days in the months of August and September next preceding the vacancies as he thinks fit.*

(3) *A* **casual** *vacancy in the office of divisional councillor shall be filled at a casual election which shall be fixed by the commissioner to take place as soon as may be after the occurrence of the vacancy :*

Provided that no casual election shall be held to fill a vacancy occurring within **three** *months before the ordinary date of retirement and that such vacancy shall be filled at the next ordinary election.*

(4) *A divisional councillor elected at a casual election shall enter upon office forthwith but shall hold office so long only as the councillor in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.*

Procedure on failure of election. [62]

56. (1) *If from any cause no councillor is elected at an ordinary election held under section* **55**, *the retiring councillor shall, if willing to serve, be deemed to have been re-elected.*

(2) *If, in any such case, the retiring councillor is not willing to serve, or if at a casual election no councillor is elected,*
the commissioner shall without delay inform the council, and thereupon the council may appoint a qualified person to fill the vacancy, and if the council fail within **thirty** *days after receipt of such information to appoint a person as aforesaid, the commissioner shall fix a day for a fresh election.*

(3) *The term of office of a councillor appointed, elected or deemed to have been re-elected under this section shall expire at the time at which it would have expired if he had been elected at the ordinary or the casual election, as the case may be.*

Election of same person for more than one division. [63]

57. (1) If any person has been elected for more divisions than one, he shall within **three days** from the date of the last of such elections intimate to the *commissioner* the division for which he chooses to serve.

(2) In default of such intimation the *commissioner* shall notify the division for which such person shall serve.

(3) The said person shall be deemed to have been elected only for the division so chosen or so notified as the case may be ; *and the vacancies thereby arising in the representation of other divisions shall be filled by fresh elections.*

Procedure in case of equality of votes. [64]

58. If there is an equality of votes between two or more candidates, the *commissioner* shall *after notice to all such candidates decide by drawing lots which candidate* shall be *deemed to have been elected.*

Power of Local Government to make election rules. [65]

59. (1) *The Governor in Council may make rules regulating the procedure with regard to divisional* **and other** *elections.*

(2) *Without prejudice to the generality of sub-section* (1) *such rules may—*

(*a*) *regulate the preparation, revision and publication of the electoral roll ;*

(b) *provide for the adjudication by the Court of Small Causes of disputes relating to the electoral roll or arising out of elections.*

Term of office of councillors other than divisional councillors. [66]

60. Every *councillor other than a divisional councillor* shall, *save as otherwise expressly provided,* hold office for a term of three years from the date of the *Fort St. George Gazette* wherein his election or appointment **is** notified.

Filling vacancy in office of councillor other than divisional councillor. [67]

61. Whenever a vacancy *occurs in the office of a councillor other than a divisional councillor* a successor shall forthwith be elected or appointed in the same manner *as the councillor who previously held such office.*

ELECTION OFFENCES.

Offences in respect of electoral list. [68]

62. (1) *Every person who by claiming a qualification to vote or to be elected which he knows he does not possess or by using false documents or by a false declaration or by any other deceitful means procures the improper entry of any name in the electoral roll or the improper omission of any name therefrom shall be punished with imprisonment of either description which may extend to three months or with fine or with both.*

(2) *Every municipal officer or servant or polling officer who wilfully makes or procures any improper entry in the electoral roll or any improper omission therefrom shall be punished with imprisonment of either description which may extend to six months or with fine or with both.*

Bribery. [69]

63. (1) *Every person who with intent to procure in the interests of himself or any other person the vote of any voter or his abstention from voting or the withdrawal of a candidate—*

(*a*) **lends or agrees to lend,** *offers, promises or gives to any person any property, money, valuable security, public or private employment or any gratification whatever other than a benefit affecting the public in general, or*

(*b*) *offers, promises or gives to any person the means of obtaining an electoral qualification for himself or any other person,*

shall be punished with imprisonment of either description which may extend to six months or with fine or with both.

(2) *Every voter or candidate who accepts any such offer, promise or gift* **or contracts for or accepts a loan** *as a motive or reward for voting or abstaining from voting or for withdrawing his candidature shall be punished with the same punishment.*

Explanation.—No agent, clerk, messenger or other person who may, in accordance with rules made by the Governor in Council, be employed for remuneration by a candidate at an election shall by reason of such employment alone be deemed to be within this section.

Undue influence. [70]

64. *Every person who—*

(*a*) *threatens any voter or candidate with injury to his person, reputation or property, or to the person or reputation of any one in whom he is interested with intent—*

(i) *to induce such voter to vote for any candidate or to abstain from voting, or*

(ii) *to induce such candidate to withdraw his candidature, or*

(*b*) (i) *commits wrongful restraint,*

(ii) **publishes statements** *which he knows to be false, and* **which materially affect** *a candidate or his election or*

(iii) *employs any deceitful means,*

and thereby prevents the free exercise of the right of any voter or candidate, shall be punished with imprisonment of either description which may extend to six months or with fine or with both.

Fraudulent voting and personation. [71]

65. (1) *Every person who applies for a ballot paper at an election, knowing that he is not qualified to vote thereat, shall be punished with imprisonment of either description which may extend to six months or with fine or with both.*

(2) *Every person who applies for a ballot paper in the name of any other person living or dead, or of a fictitious person, shall be punished with the same punishment.*

Infringement of secrecy of election. [72]

66. *Every polling officer, clerk or other person in attendance at the polling room who, except for some purpose authorized by law, communicates to any person any information showing directly or indirectly for which candidate any voter has voted, and every person who by any improper means procures any such information, shall be punished with imprisonment of either description which may extend to six months or with fine or with both.*

Offences by polling officers. [73]

67. *Every polling officer who permits a person to vote knowing that such person is not entitled to vote, or who prevents a person from voting knowing that such person is entitled to vote, shall be punished with imprisonment of either description which may extend to six months or with fine or with both.*

Falsifying result of election. [74]

68. *Every person who in the course of electoral operations* **falsifies or** *attempts to falsify the record of an election by removing, destroying, altering or fabricating nomination papers or voting papers or by any other act or by any omission, shall be punished with imprisonment of either description which may extend to one year or with fine or with both.*

Procedure before magistrate. [75]

69. *No magistrate shall take cognizance of any offence punishable under sections* **62** *to* **68** *(both inclusive)—*

(*a*) *except on the complaint of a person whose name is on the electoral roll, and*

(*b*) *unless such complaint has been made within seven days of the date of the declaration of the result of any election to which the offence relates, or within seven days of the date on which the offence is alleged to have been committed.*

Appeal to the High Court.

70. An appeal shall lie to the High Court from any conviction and sentence passed under sections 62 to 68.

71. *Every person convicted of an offence punishable under sections* **62 to 68** *shall be disqualified from voting or from being elected in any election to which this Act applies or from holding the office of councillor under this Act for such period, not being less than three years or more than seven years from the date of his conviction, as the court may by order determine.* Order of disqualification. [76]

CHAPTER IV.—GENERAL POWERS OF MUNICIPAL AUTHORITIES AS TO PROPERTY, CONTRACTS, ESTABLISHMENT.

Property.

72. (1) Notwithstanding anything contained in this Act, all buildings and lands belonging to the Government in that part of the military zone of Fort St. George which is known as the Esplanade, as described in schedule *III*, shall be subject to the control of the General Officer Commanding the Madras District. Restrictions as to Esplanade. [77]

(2) Permission to construct a building on the Esplanade shall not be given or be deemed to have been given unless and until the sanction of the *Governor in Council* and of the *Governor-General in Council* has been obtained.

(3) Such sanction shall not be applied for unless the plan of the building and the site-plan of the land have been approved by the *commissioner*.

(4) If the construction or re-construction of any building on the Esplanade is commenced, carried on or completed without the sanction of the *Governor in Council* and the *Governor-General in Council*, the *commissioner* shall, if *so* requested by the General Officer Commanding the Madras District, by notice direct the owner to demolish *anything so constructed or re-constructed* or cause *the same* to be demolished at the expense of the owner.

(5) No person shall be entitled to compensation on account of such demolition.

(6) *If the owner fails to obey a direction of the commissioner to carry out such demolition, he shall be liable on conviction to the penalty provided in section* **362.**

73. *The council may accept trusts relating exclusively to the furtherance of purposes to which the municipal fund may be applied.* Limitation of power to accept property in trust. [78]

74. *Subject to the provisions of section* **80,** *the commissioner may, for the purposes of this Act, acquire on behalf of the corporation movable or immovable property within or without the city or any interests in such property :* Acquisition of property and interests therein. [79]

Provided that—

(*a*) *the commissioner shall be bound by any resolution of the standing committee fixing terms, rates or maximum prices for a particular case or for any class of cases ;*

(*b*) *the sanction of the standing committee shall be required for the exchange of any immovable property, for* the taking of *any* property on *lease for a term exceeding twelve months, or for the acceptance of any gift, or bequest of property burdened by an obligation ; and*

(*c*) *the sanction of the council shall be required—*

(i) *for the acceptance or acquisition of any immovable property if the value of the property which it is proposed to accept, acquire or give in exchange exceeds one thousand rupees,*

(ii) *for* the taking of *any* property on *lease for a term exceeding three years, or*

(iii) *for the acceptance of any gift or bequest of property burdened by an obligation if the value of such property exceeds one thousand rupees.*

75. (1) *Subject to the provisions of section* **80,** *the commissioner may dispose* by sale or exchange *of any corporation movable property the value of which does not exceed five hundred rupees in each instance, or grant for any term not exceeding twelve months a lease of any corporation immovable property or a lease or concession of any right of fishing or grazing or of gathering and taking fruit and the like :* Disposal of property and interests therein. [80]

Provided that every such disposal, *lease or concession* made or *granted by the commissioner shall be reported to the standing committee within fifteen days.*

(2) *With the sanction of the standing committee, the commissioner may dispose* by sale or exchange *of any corporation movable property the value of which does not exceed five thousand rupees in each instance, or grant for any term not exceeding three years a lease of any corporation immovable property, or a lease or concession of any such right as aforesaid.*

(3) *With the sanction of the council, the commissioner may lease, sell or otherwise dispose of any corporation property, movable or immovable.*

(4) *The sanction of the standing committee under sub-section (2) or that of the council under sub-section (3) may be given either generally for any class of cases or specially for any particular case.*

Procedure for acquisition of immovable property under the Land Acquisition Act, 1894. [81]

76. Any *immovable property* which any municipal authority is authorized by this Act to acquire may be acquired under the provisions of the Land Acquisition Act, 1894, and on payment of the compensation awarded under the said Act in respect of such *property* and of any other charges incurred in acquiring *it*, the said *property* shall vest in the corporation.

Contracts.

Power of council to determine whether works shall be executed by contract. [82]

77. *The council may determine either generally for any class of cases or specially for any particular case whether the commissioner shall execute works by contract or* **otherwise.**

Power of the several authorities to sanction estimates. [83]

78. (1) *The commissioner may sanction any estimate, the amount of which does not exceed ten thousand rupees.*

(2) *When the amount of the estimate exceeds ten thousand rupees but does not exceed* **fifty thousand** *rupees, the sanction of the standing committee shall be required.*

Works costing more than 50,000 rupees. [84]

79. (1) **Where a** project is framed for the execution of any work or series of works the entire estimated cost of which *exceeds* **fifty thousand** *rupees,*

(*a*) *the commissioner shall cause a detailed report to be prepared including such estimates and drawings as may be requisite and the standing committee shall lay the same before the council;*

(*b*) *the council shall consider the report and may reject the project or may approve it either in its entirety or subject to modifications;*

(2) (a) where *the council approves the project,* **and the entire estimated cost exceeds two and a half lakhs of rupees,** *the report, subject to any modifications as aforesaid, shall be submitted to the Governor in Council.*

(b) *The Governor in Council may reject the project or may sanction it either in its entirety or subject to modification.*

(c) The work shall not be commenced until the project has been sanctioned by the *Governor in Council with or without modification.*

(d) *No* material change in the project sanctioned **as aforesaid** shall be carried into effect *without the sanction of the Governor in Council.*

General provisions regarding contracts. [85]

80. (1) The council may enter into and perform all such contracts as they may consider necessary or expedient for carrying into effect the provisions of this Act.

(2) With respect to the making of contracts under or for any purpose of this Act, the following provisions shall have effect, namely—

(*a*) every contract shall be made on behalf of the corporation by the *commissioner ;*

(*b*) *no* contract for any purpose which, in accordance with any provision of this Act, the *commissioner* may not carry out without the sanction *of one of the other municipal authorities,* shall be made by him *unless such sanction has been given ;*

(*c*) no contract *involving* an expenditure exceeding *ten* thousand rupees **and not exceeding fifty thousand rupees** shall be made by the *commissioner* unless *it* has been *sanctioned* by the standing committee ;

(d) no contract involving an expenditure exceeding fifty thousand rupees shall be made by the commissioner unless it has been sanctioned by the council.

(e) *every* contract *made by the commissioner* involving an expenditure exceeding *one thousand rupees and not* exceeding *ten thousand rupees* shall be *reported to the standing committee within fifteen days after it has been made.*

(3) The provisions of sub-section (2) shall apply to any variation of a contract involving an increase of more than ten per centum on the expenditure involved in the original contract.

81. (1) Every contract *entered into by the commissioner* on behalf of the corporation shall be entered into in such manner and form as would bind him if it were made on his own behalf, and may in like manner and form be varied or discharged : Mode of making contracts. [86]

Provided that—

(*a*) the common seal *of the corporation shall be affixed to every contract, which if made between private persons, would require to be under seal ; and*

(*b*) every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding one thousand rupees shall be in writing and shall be sealed with the common seal of the corporation and shall specify—

(i) the work to be done or the materials or goods to be supplied, as the case may be,

(ii) the price to be paid for such work, materials or goods, and

(iii) in the case of a contract for work, the time within which *the work* or specified portions thereof shall be completed.

(2) The common seal of the corporation shall remain in the custody of the **commissioner** and shall not be affixed to any contract or other instrument except in the presence of **the commissioner or of** *two members of the standing committee*, **and the commissioner or the said two members shall sign** the contract or instrument in token that the same was sealed in **his or** *their* presence.

(3) No contract executed otherwise than as provided in this section shall be binding on the corporation.

82. (1) At least seven days *before entering into any contract for the execution* of any work or the supply of any materials or goods which will involve an expenditure exceeding three thousand rupees, *the commissioner shall give notice* by advertisement *inviting* tenders *for such contract* : Invitation of tenders. [87]

Provided that the standing committee may, for reasons which shall be recorded in its proceedings, authorize the commissioner to enter into a contract without inviting tenders.

(2) *On receipt of the tenders made in pursuance of the notice given under sub-section* (1), *the commissioner may, subject to the provisions of section* **80.** *accept any tender which appears to him, upon a view of all the circumstances, to be the most advantageous, but he shall not reject all the tenders without the sanction of the standing committee.*

83. *When work is given on contract at unit rates and the number of units is not precisely determinable, the contract shall not be deemed to contravene the provisions of section* **80,** *section* **81** *or section* **82** *merely by reason of the fact that the pecuniary limits therein laid down are eventually exceeded.* Saving of certain irregularities. [88]

84. The *commissioner* shall take sufficient security for the due performance of *every* contract into which he enters after a tender has been accepted, and may take security for the due performance of any other contract into which he enters under this Act. Security for performance of contracts. [89]

Establishment.

85. (1) *The council* shall appoint a health officer, an engineer and a revenue officer, *who shall be heads of departments working under the commissioner :* The health officer, the engineer, and the revenue officer. [91]

Provided that—

(*a*) *every such appointment shall be subject to confirmation by the Governor in Council ; and*

(*b*) *the monthly salary of the health officer and the engineer shall not be less than six hundred rupees and shall not exceed fifteen hundred rupees and the monthly* salary of the revenue officer shall not be *less* than six hundred rupees and *shall not exceed twelve hundred rupees.*

(2) *The said officers shall devote their whole time and attention to the duties of their respective offices and shall not engage in any other profession, trade or business whatever.*

86. *The council may appoint—*

(*a*) *special health officers for the purpose of making investigations and proposing preventive or remedial measures with reference to the occurrence of any unusual mortality or the prevalence or apprehended outbreak of any dangerous disease within the city ;* Special superior appointments. [92]

(*b*) *special engineers, architects or experts in town improvement or town-planning for the purpose of preparing, executing or supervising any special scheme undertaken by the corporation;*

(*c*) *special revenue officers for the purpose of carrying out a periodical revision of assessment, introducing a new tax or discharging any extraordinary duty connected with the revenue administration of the corporation:*

Provided that—

(i) *no such special office shall be created without the sanction of the Governor in Council;*

(ii) *the period of duration of any such office, the salary, the allowances and the conditions of service attaching thereto shall be fixed by the council subject to the sanction of the Governor in Council, save as expressly laid down in section* **88**, *and shall not be varied without the like sanction; and*

(iii) *every appointment to any such office shall be subject to confirmation by the Governor in Council.*

Time within which vacancy in superior appointment must be filled up. [93]

87. (*1*) *If a vacancy occurs in any office specified in sections* **85** *and* **86** *or any new office is created under section* **86**, *the council shall within* **three** *months appoint some person to hold such office.*

(*2*) *If the Governor in Council refuses to confirm the appointment so made, the council shall make a fresh appointment within thirty days from the receipt of the order refusing confirmation.*

(*3*) *In default of any appointment or fresh appointment being made in accordance with sub-section (1) or sub-section (2), as the case may be, the Governor in Council may appoint a person to hold the office and such person shall be deemed to have been appointed by the council.*

(*4*) *Pending an appointment under sub-section (1) or sub-section (2), the council may appoint a person to hold the office temporarily and may assign to him such salary as* **it** *shall think fit:*

Provided always that the salary so assigned shall not exceed the maximum laid down in section **85** *or fixed with the sanction of the Governor in Council under section* **86** *in respect of the office.*

Removal and leave, pensionary and leave contributions of superior officers. [94]

88. (*1*) *Any officer appointed under section* **85**, *section* **86** *or sub-section (3) of section* **87** *may be removed from office by the Governor in Council and shall be so removed if his removal is recommended by a resolution of the council passed at a special meeting called for the purpose and supported by* **the votes** *of not less than* **thirty-three** *councillors.*

(*2*) *Leave may be granted to any such officer by the commissioner for periods not exceeding one month and by the council for longer periods.*

(*3*) *If any such officer is a civil or military officer in the service of the Government, the corporation shall contribute to his leave allowances, pension and provident fund to the extent required by the regulations of the Governor-General in Council for the time being in force with respect to civil and military officers.*

(*4*) *If any such officer is not a civil or military officer in the service of the Government, his leave and leave allowances, his superannuation or retirement, his gratuity or pension and the proportions of his pensionary or provident fund contribution payable respectively from his salary and from the municipal fund shall be governed by regulations approved by the Governor in Council.*

Provided that:—

(*a*) *the amount of any such leave and leave allowances, gratuity or pension shall in no case without the special sanction of the* **Governor-General in Council** *exceed what would be admissible in the case of Government servants of similar standing and status; and*

(*b*) *the conditions under which such allowances are granted, or any leave, superannuation or retirement is sanctioned, shall not without similar sanction be more favourable than those for the time being prescribed for such Government servants.*

Power of Local Government to appoint special health officers. [95]

89. In the event of *the occurrence of* any unusual mortality or the prevalence *or apprehended outbreak* of any dangerous disease within the city the *Governor in Council, if he considers immediate action necessary, may of his own motion* appoint a special *health* officer **wholly or partly** *at the expense of the municipal fund:*

Provided that—

(a) the duration of the special office shall not exceed six months ; and

(*b*) the corporation shall not be bound to pay more than five hundred rupees per mensem on account thereof.

90. *Subject to the provisions of sections* **85, 86, 87** *and* **89,** *appointments to the corporation establishment shall be made —* Appointments to corporation establishment. [96]

(a) by the council, if the maximum monthly salary of the office exceeds five hundred rupees ;

(b) by the commissioner in all other cases.

91. *(1) The commissioner shall, from time to time, lay before the standing committee a schedule setting forth the designations and grades of the officers and servants who should in his opinion constitute the corporation establishment, and embodying his proposals with regard to the salaries, fees and allowances payable to them.* Establishment schedule. [97]

(2) The standing committee may either approve or amend such schedule as it thinks fit and shall lay it before the council with its remarks if any.

(3) The council shall sanction such schedule with or without modifications as it thinks fit and may from time to time amend it at the instance of the commissioner and standing committee.

Provided that no new office shall be created without the sanction of the Governor in Council if the maximum monthly salary exceeds two hundred and fifty rupees.

92. *No officer or servant shall be entertained on the corporation establishment unless he has been appointed under section* **85,** *section* **86,** *section* **87** *or section* **89** *or unless his office and emoluments are included in the schedule sanctioned under section* **91.** Restriction of employment of establishment. [98]

93. *Subject to the provisions of this Act and to the by-laws and regulations for the time being in force, the commissioner* shall prescribe the duties *of the corporation establishment* and exercise supervision and control over their acts and proceedings and dispose of all questions relating to their *conduct,* service, pay, allowances, *leave, pension and provident fund privileges.* Commissioner controls corporation establishment. [99]

94. If an officer *or servant* serving or having served under the corporation is or has been transferred from or to the service of the Government, or is employed partly by the Government and partly by the corporation, the corporation shall contribute to his pension and leave allowances to the extent required by the rules made by the Governor-General in Council in this behalf and for the time being in force. Contributions in respect of Government servants. [106]

95. *Subject to the provisions of sections* **86, 88** *and* **94,** *the standing committee may frame regulations in respect of* **the corporation establishment—** Power of standing committee to frame service regulations. [107]

(*a*) fixing the amount and nature of security to be furnished ;

(*b*) prescribing educational *or other* qualifications ;

(*c*) regulating the grant of leave, leave allowances and acting allowances ;

(*d*) regulating the grant of pensions and gratuities ;

(*e*) establishing and maintaining provident funds *and making contribution thereto compulsory ;*

(f) regulating conduct ; and

(g) generally prescribing conditions of service :

Provided that every regulation so framed shall be subject to confirmation by the council, and that every regulation framed under clause (d) or clause (e) shall also require the sanction of the Governor in Council.

Provided also (i) that the amount of any leave and leave allowances, gratuity or pension granted under these regulations shall in no case without the special sanction of the **Governor-General in Council** *exceed what would be admissible in the case of Government servants of similar standing and status, and (ii) that the conditions under which such allowances are granted or any leave, superannuation or retirement is sanctioned shall not without similar sanction be more favourable than those for the time being prescribed for such Government servants.*

Power to punish establishment. [108]

96. (1) Any officer or servant other than an officer appointed under section 85, section 86, or sub-section (3) of section 87 may be fined, reduced, suspended, removed or dismissed by the authority competent to appoint him; and the order of such authority shall be final:

Provided that any officer or servant in receipt of a salary of not less than one hundred rupees may appeal to the standing committee against any order of the commissioner removing or dismissing him or suspending him for a period of more than three months.

(2) Pending a resolution of the council the commissioner may suspend any officer appointed by that authority:

Provided always that he shall forthwith report to the council the reasons for his action.

Power to grant leave to establishment. [109]

97. *Save as provided in section* **88,** *leave may be granted to the corporation establishment by the commissioner.*

PART III.

TAXATION AND FINANCE.

CHAPTER V.—TAXATION.

Enumeration of taxes.

Enumeration of taxes, duties and tolls. [110]

98. *The corporation* **may** *levy—*

(*a*) *a property tax*,

(*b*) *a tax on companies*,

(*c*) *a profession tax*,

(*d*) a tax on *carriages* and animals,

(*e*) a tax on carts,

(f) a tax on timber and firewood brought into the city,

(g) tolls on vehicles and animals entering *the city*,

and may, with the previous sanction of the Governor in Council and the Governor-General in Council, levy

(h) a duty on certain transfers of property in the shape of *an additional stamp duty.*

The Property Tax.

The consolidated property tax. [111]

99. *(1) The property tax, which shall be levied at a consolidated rate on all buildings and lands within the city save those exempted by* **or under** *this Act or any other law for the time being in force, shall comprise—*

(a) a water and drainage tax for the purpose of defraying the expenses connected with the water and drainage systems;

(b) a lighting tax for the purpose of defraying the expenses connected with the lighting of the city; and

(c) a tax for general purposes.

(2) Subject to the provisions of section **201,** *the taxes described in sub-section (1) shall be levied at rates fixed at percentages of the annual value of lands and buildings, such rates being determined by the council.*

(3) For the purpose of assessing the property tax the annual value of any building or land shall be *determined by the commissioner.*

Method of assessment of property tax. [112]

100. *(1) Every building shall be assessed together with its site and other adjacent premises occupied as appurtenances thereto unless the owner of the building is a different person from the owner of such site or premises.*

(2) The annual value of lands and buildings shall be deemed to be the gross annual rent at which *they may* reasonably be expected to let from month to month or from year to year:

Provided that—

(*a*) *if the gross annual rent of buildings of a class not ordinarily let* cannot, in the opinion of the *commissioner*, be estimated, the annual value *of the premises* shall be deemed to be six per centum on the sum obtained by adding the estimated present cost of erecting the buildings less a reasonable amount on account of depreciation, if any, to the estimated value of the land valued with the buildings as part of the premises,

(*b*) machinery shall be excluded *from valuations under this section*.

101. The following buildings and lands shall be exempt from the property tax :— General exemptions. [113]

(a) Buildings set apart for public worship and either actually so used or used for no other purpose ;

(b) Hospitals ;

(c) Burial and burning grounds *included in the list published by the commissioner under section* **321** (*3*) *of this Act* ; and

(d) The Island, the bed of the Cooum and the bed of the Adyar, the Buckingham canal, the seashore and all such other property of Government not being buildings as may from time to time be notified by the Governor in Council with the consent of the corporation.

102. *The council shall levy the property tax at a uniform rate :* Special exemptions and alternative base of property tax. [114]

Provided that—

(*a*) *the council may, with the sanction of the Governor in Council, exempt any local area from the whole or a proportion of the water and drainage tax or of the lighting tax on the ground that such areas are not deriving benefit from the water-supply and drainage or from the lighting system ;*

(*b*) *the council may by a general resolution exempt* any building or land *from the property tax—*

(i) *if the annual value of the same does not exceed a sum specified in the said resolution, such sum not being greater than thirty-six rupees, and*

(ii) *the owner does not own any other building or land assessed to the property tax and is not liable to income-tax ;*

(*c*) *in the case of any land which is not appurtenant to any building or which is occupied by or appurtenant to huts the commissioner may assess the land or premises, as the case may be, with reference to extent in lieu of annual value and at such rates as he may himself determine subject always to the following maxima per ground of land measuring two thousand and four hundred square feet :—*

(i) *for the water and drainage tax—three rupees ;*

(ii) *for the lighting tax—one rupee ;*

(iii) *for the tax for general purposes—four rupees.*

103. *The property* tax on buildings and lands shall, subject to the prior payment of the land revenue, if any, due to the Government thereon, be a first charge upon the said buildings or lands and upon the movable property, if any, found within or upon such buildings or lands and belonging to the person liable to such tax. Property tax a first charge on property and movables. [115]

104. *The property* tax shall be paid by the owner *of the assessed premises* in two equal instalments, each instalment being payable, *save as otherwise expressly provided in schedule IV*, within fifteen days after the commencement of the half-year to which it relates. Payment of property tax in half-yearly instalments. [116]

105. (1) When any building has been vacant for thirty consecutive days in any half-year, the *commissioner* shall, if the owner of such building or his agent has given notice, remit so much, not exceeding a moiety of the tax due for such half-year, as is proportionate to the number of days during which the building was vacant. Vacancy remission. [117]

(2) Every such notice shall expire with the half-year during which it is so delivered, and shall have no effect thereafter.

106. (1) *Whenever the title of any person primarily liable to the payment of the property tax on any premises to or over such premises is transferred, the person whose title is transferred and the person to whom the same shall be transferred shall, within three months after the execution of the instrument of transfer or after its registration if it be registered or after the transfer is effected, if no instrument be effected, give notice of such transfer in writing to the commissioner.* Obligation of transferor and transferee to give notice of transfer. [118]

(2) *In the event of the death of any person primarily liable as aforesaid the person to whom the title of the deceased shall be transferred as heir or otherwise shall give written notice of such transfer to the commissioner within one year from the death of the deceased.*

(3) *The notice to be given under this section shall be in such form as the commissioner may direct and the transferee or the person to whom the title passes, as the case may be, shall, if so required, be bound to produce before the commissioner any documents evidencing the transfer or succession.*

(4) *Every person who makes a transfer as aforesaid without giving such notice to the commissioner shall continue liable for the payment of the property tax assessed on the premises transferred until he gives notice or until the transfer shall have been recorded in the municipal registers, but nothing in this section shall be held to affect—*

(*a*) *the liability of the transferee for the payment of the said tax, or*

(*b*) *the prior claim of the corporation under section* **03**.

Owner's obligation to give notice of construction or re-construction of building. [119]

107. If any building is constructed or re-constructed, the owner shall give notice thereof to the *commissioner* within fifteen days from the date of its completion or occupation whichever is earlier.

Owner's obligation to give notice of demolition of building and liability on failure. [120]

108. (1) If any building is demolished, the owner shall give notice thereof to the *commissioner*.

(2) Until such notice is given the said owner shall be liable, at the discretion of the *commissioner*, for the payment of *the property tax* which would have been leviable had such building not been demolished.

Commissioner's power to call for information and to enter upon premises. [121]

109. (1) For the purpose *of assessing the property tax*, the *commissioner* may, by notice, call on the owner or occupier of any building or land to furnish him, within a week after the service of the notice, with returns of the rent *payable* for the building or land, the cost of erecting the building and the measurements *of the land*, and every owner or occupier upon whom *any such notice* is served shall be bound to comply with *it* and to make a true return to the best of his knowledge or belief.

(2) *For the purpose aforesaid the commissioner* may enter, inspect, survey and measure *any* building or land, after giving twenty-four hours' notice to the owner or occupier.

Tax on companies.

Taxation of companies trading for sixty days in half-year on their capital. [122]

110. *Every* **incorporated** *company transacting business within the city for profit or as a benefit society shall pay by way of licence fee in addition to any other licence fee that may be leviable under this Act a half-yearly tax on its paid-up capital on the scale shown in the taxation rules in schedule IV but in no case exceeding rupees* **one thousand,** *if and as soon as it has transacted business in the city for the period prescribed in section* **113**.

Explanation.—Whenever a company has an office, agent or firm to represent it for the purpose of transacting business in the city, such company shall be deemed to transact business in the city and such office, agent or firm shall be liable for the tax in respect of the company's business, whether or not such office, agent or firm has power to make binding contracts on behalf of the company.

Profession tax.

Licence tax on professions, arts, trades, callings and appointments. [123]

111. (1) Every person *not liable for the companies' tax* who, within the city and for the period prescribed in section **113**, exercises a profession, art, trade or calling or holds any appointment, *public or private*, bringing him within one or more of the classes of persons specified in the taxation rules in schedule *IV* shall pay *by way of licence fee and in addition to any other licence fee that may be leviable under this Act a tax as determined under the said rules but in no case exceeding rupees five hundred in the half-year ; and such tax may be described as the profession tax.*

Explanation 1.—Every person who exercises a profession, art, trade or calling or holds any appointment within the limits of Fort St. George shall be deemed to exercise such profession, art, trade or calling or to hold such appointment within the city.

Explanation 2.—A person in receipt of a pension paid from any source shall be deemed to be a person holding an appointment within the meaning of this section.

(2) A person shall be chargeable under the class appropriate to his aggregate income from all professions, arts, trades, callings and appointments exercised or held by him.

(3) *No person who shall prove that he has paid the sum due on account of the profession tax levied under the Madras District Municipalities Act*, 1884, **or any tax of the nature of a profession tax imposed under the Cantonments Act, 1910,** *for the same half-year in any other municipality or cantonment in the Madras Presidency shall be liable by reason merely of change of business, appointment, residence or place of business to pay more than the difference between such sum and the amount to which he is otherwise liable for the profession tax for the half-year under this Act.*

112. The profession tax leviable from a firm or undivided Hindu family may be levied from any member of that firm or family.

Liability of member of firm or undivided family for profession tax. [124]

Provisions common to Companies' and Profession tax.

113. If for sixty days *in the aggregate* in any half-year *any company transacts business* or any person exercises a profession, art, trade or calling or holds any appointment *rendering him liable to the profession tax, such company or other person shall become liable for the companies' or profession tax, as the case may be, and if the tax* due in respect of *the* half-year is *not paid*, the *commissioner shall* cause a notice to be served on such person *to pay it* within fifteen days from the date of such service.

Payment when due and notice to pay. [125]

114. The *commissioner* may by notice require the owner or occupier of any building or land *and every secretary or manager of a hotel, boarding or lodging house, club, or residential chambers* to furnish within a specified time a list in writing containing the names of all persons occupying such building or land and specifying the profession, art, trade or calling, or appointment of every such person *and the rent, if any, paid by him.*

Requisition on owner or occupier to furnish list of persons liable to tax. [126]

115. The *commissioner* may by notice require any employer or the head or secretary or manager of any public or private office, hotel, boarding-house or club, or of a firm or company—

(*a*) to furnish within a specified time a list in writing of the names of all persons *employed by such employer or by* such office, *hotel, boarding-house or club*, firm or company *as officers, servants, dubashes, agents, suppliers or contractors* with a statement of the salary or income of each of *such employed persons*; and

(*b*) to furnish particulars in regard to any incorporated company of which such employer, head, secretary *or manager*, as the case may be, is the agent.

Requisition on employers or their representatives to furnish list of persons liable to tax. [127]

Tax on Carriages and Animals.

116. (1) *The tax on carriages and animals shall be levied by half-yearly instalments on carriages and animals kept within the city which are of the kinds specified in Part III of Schedule IV.*

(2) *The rates of the tax shall be determined by the council, provided always that they shall not exceed the maxima laid down in Part III of Schedule IV.*

General provisions regarding tax on carriages and animals. [128]

117. (1) Every person having possession, custody or control *of any taxable carriage or animal* shall be liable *for the full half-yearly tax if the carriage or animal has been kept within the city for an aggregate period of not less than sixty days in the half-year.*

Provided that *if such aggregate period exceeds fifteen days but is less than sixty days, a moiety only of the half-yearly tax shall be leviable.*

(2) Every person having possession, custody or control *of any taxable carriage or animal within the city* shall, until the contrary is shown, be presumed *to have kept the same within the city for sixty days in the half-year.*

(3) *Notwithstanding anything contained in sub-section (1)* no person shall be liable to taxation during any half-year on account of any **carriage** or animal in respect *of* which *the full tax for the same half-year has already been paid by some other person.*

Liability to tax according to period for which carriage or animal has been kept. [129]

Exemptions. [130]

118. *The carriage and animal tax shall not be levied on*—

(*a*) *carriages and* animals belonging to the Government;

(*b*) *carriages* and animals belonging to members of the town police or to officers *or servants* of the corporation employed on out-door duties, provided *always* that exemption under *this clause* shall not extend to more than one *carriage* and two animals for any one such person;

(*c*) *carriages and* animals kept solely for sale by *carriage-makers* and dealers;

(*d*) *carriages which have been under repair or standing at a carriage-maker's during the whole of the half-year;*

(e) *animals which during the whole of the half-year have been kept in any institution for the reception of infirm or disused animals or which are certified by a veterinary surgeon to have been unfit for use during the whole of the half-year*;

(f) horses belonging to mounted officers as defined in paragraph 1 (b) of the regulations for the Indian Defence Force and to soldiers who are members of Light Horse, Mounted Rifles or Mounted Infantry regiments, squadrons or platoons provided always that exemption under this clause shall not extend to more than one horse for each officer or soldier;

(g) motor-cycles belonging to officers and soldiers of a motor-cycle company, platoon or section or to other officers and soldiers whose motor-cycles are certified by the officer commanding their corps to be in good order and of actual service for the work of the corps provided always that exemption under this clause shall not extend to more than one motor-cycle for each officer or soldier;

(h) bicycles belonging to and solely used by bona fide members of cyclist sections of the Indian Defence Force provided always that exemption under this clause shall not extend to more than one bicycle for each officer or soldier.

Composition. [131]

119. *With the sanction of the standing committee or in accordance with regulations framed by that body, the commissioner* may compound, for any period not exceeding one year, with any livery stable-keeper or other person keeping *carriages* and animals for sale or hire, for a certain sum to be paid in lieu of the *carriage and animal* tax.

Requisition on occupier to furnish statement of persons liable to tax. [132]

120. (1) The *commissioner* may by notice require the occupier of any *premises* to furnish him with a statement—

(*a*) showing the name and address of every person who *has possession, custody or control* of any *carriage* or animal which is kept in *such premises* and is liable to the *carriage and animal* tax;

(*b*) containing a description of *every* such *carriage* or animal.

(2) The occupier shall sign the statement *and transmit it* to the municipal office within one week from the date of *his* receipt *of the notice*.

Grant of licence on payment of tax. [133]

121. When any person pays the amount of tax *due in respect of* any *carriage* or animal, the *commissioner* shall grant him a licence to keep such *carriage* or animal for the period *to* which the payment *relates*.

Power to require numbers to be affixed to bicycles, etc. [134]

122. (1) The *commissioner* may direct that *a municipal number* shall *be* affixed—

(*a*) to every *carriage* let out for hire *within the city*, and

(*b*) to every bicycle and tricycle *kept within the city;*

Provided that no municipal number shall be requisite in the case of carriages to which the Indian Motor Vehicles Act, 1914, *or the Madras Hackney Carriage Act*, 1911, *is applicable.*

(2) *The numbers affixed under sub-section* (1) shall be registered in the municipal office.

Obligation of Commissioner of Police to satisfy himself of payment of municipal tax on hackney carriage before registering it. [135]

123. Before registering any hackney carriage *under the Madras Hackney Carriage Act*, 1911, the Commissioner of Police shall satisfy himself that the *corporation has received payment* of the tax, *if any*, *due under section* **116** *on account of* the last preceding half-year and the current half-year.

Tax on Carts.

Registration of carts. [136]

124. (1) Every owner of a cart kept or let out for hire within the city shall register *it at* the municipal office once in each half-year.

Fee for registration.

(2) Such tax not exceeding *four* rupees as the *commissioner* may fix shall be paid *on* each registration *under sub-section* (1):

Provided that in the case of a cart on account of which tax has already been paid by a previous owner no further tax shall be payable in respect of a subsequent registration during the same half-year.

(3) *The commissioner may* direct *that a municipal* number *shall be* affixed *to every registered cart.* Affixing number on carts.

(4) *The commissioner* shall notify certain days in every half-year *for the registration and numbering of carts and the payment of the tax.* Notification of days of registration.

(5) All registrations made *and numbers affixed* under *this section* shall be entered in a book to be kept for the purpose at the municipal office. Entry of registration in book.

(6) Such book shall be open to the inspection of any tax-payer at all reasonable times without charge. Inspection of register.

125. Nothing in section 124 shall apply to— Exemptions. [137]

(*a*) gun carriages, ordnance carts or wagons or other such property of the Government; and

(*b*) carts kept solely for sale *by cart-makers and* dealers.

126. The *commissioner* may remit the *whole or* a portion of the *cart*-tax in *respect of any cart which is shown to his satisfaction* to have been kept *or let out for hire within the city for an aggregate period not exceeding fifteen days* in *the* half-year *or to have been under repair or standing at a cart-maker's during the whole of the half-year.* Power to remit tax on cart kept for less than fifteen days or not used. [138]

Power to seize carriages and carts not bearing numbers.

127. *If a municipal number is not affixed to a carriage or cart in pursuance of a direction issued under section* **122** *or section* **124**, *as the case may be*, the *commissioner* may at any time seize and detain *the* vehicle *and* the animal, *if any, by which it is drawn:* Seizure of vehicles not bearing numbers. [139]

Provided that no vehicle other than a bicycle, tricycle, motor-bicycle or rickshaw shall be seized *or* detained when *actually* employed in the conveyance of any passenger or goods.

128. (1) If *a vehicle* or animal is *detained under section* **127** *and the owner or other person entitled thereto does not claim the same and pay the tax, if any, due thereon* within ten days from the date of seizure, the *commissioner* may direct that *the vehicle* or animal shall be sold *in* public auction and the proceeds of the sale applied to the payment of— Procedure after seizure. [140]

(i) the tax, *if any*, due on the *vehicle* or animal sold ;

(ii) such penalty not exceeding the amount of the tax as the *commissioner* may direct ; and

(iii) the charges incurred in connexion with the seizure, detention and sale.

(2) If there is a surplus after such payment, the *commissioner* shall, on demand made within six months from the date of sale, *make it over* to the owner or *other* person entitled thereto. If no such demand is made, such surplus shall be forfeited to the corporation.

(3) If the owner of the *vehicle* or animal *or other person entitled thereto claims the same* within ten days from the date of seizure *or at any time before the sale*, it shall be returned to him on payment of—

(i) the tax due thereon ;

(ii) such penalty not exceeding the amount of the tax as the *commissioner* may direct ; and

(iii) the charges incurred in connexion with the seizure and detention.

TAX ON TIMBER AND FIREWOOD.

129. (1) The tax on timber and firewood brought into the city shall be levied at such rates and in such manner as may be determined by the council ; Tax on timber and firewood.

Provided that such rates shall not exceed, in the case of timber, rupees five per ton, and in the case of firewood six annas per ton ;

Provided also that when any timber or firewood in respect of which the tax has been paid is exported beyond the city, nine-tenths of the tax levied thereon shall be refunded.

(2) No timber or firewood shall be brought into the city unless the tax due thereon be paid.

(3) The council may make by-laws for the seizure and sale of timber or firewood in respect of which the tax due is not paid.

Tolls.

Levy of tolls. [141]

130. The corporation may levy tolls as specified in *Part IV of* Schedule *IV* on any vehicle or animal entering the city:

Provided that *no* toll shall *be levied on* any vehicle or animal—

(*a*) licensed or registered by the corporation,

(*b*) *exempted by or under the Indian Tolls (Army) Act*, 1901,

(*c*) belonging to the Government,

(d) carrying any municipal or police officer on duty, or

(e) carrying any person or property in the custody of a police officer.

Construction of toll-bars and collection of tolls. [142]

131. The *commissioner* may construct toll-bars and *toll*-stations and—

(*a*) may place the collection of the tolls under the management of such persons as he thinks fit, or

(*b*) may, subject to regulations, if any, made by the standing committee farm *them* out on such terms and conditions as may be necessary with liberty to the farmer to exercise all or of any of the powers conferred by *or under* this Act for the levy and collection of tolls, and

(*c*) may, *with the sanction of the standing committee or in accordance with regulations framed by that body*, compound with any person living outside the city for a certain sum to be paid yearly or half-yearly in lieu of all tolls payable under the provisions of this Act.

Procedure on non-payment of toll. [143]

132. (1) If the toll leviable *on a vehicle or animal* is not paid on demand, the person appointed to collect *the toll* may seize and detain such portion of the appurtenances or load of *such* vehicle or animal as will, in his opinion, suffice to defray the amount due; in the absence of any such appurtenances or load *or in the event of their value being insufficient to defray the amount due, he* may seize and detain the vehicle or animal.

(2) All property seized under sub-section (1) shall be sent within twenty-four hours to the *commissioner* or to such person as he may have authorized to receive and sell *such* property and the *commissioner* shall forthwith give public notice that after the expiry of two days, exclusive of Sunday, from the date of notice the property *will be sold in* auction at a place to be specified in the notice.

(3) If at any time before the sale has begun, the amount due on account of the toll, together with all expenses incidental to the seizure and detention, is tendered to the *commissioner* or other person authorized as aforesaid, the property seized shall be forthwith released.

(4) If no such tender is made, the property *shall* be sold and the proceeds of *the* sale applied to the payment of—

(i) the amount due on account of the toll,

(ii) such penalty not exceeding the amount of the toll as the *commissioner* may direct, and

(iii) the charges incurred in connexion with the seizure, detention and sale.

(5) If there is a surplus after such payment, the *commissioner* shall, on demand made within six months from the date of sale, *make it over* to the owner or other person entitled thereto. If no such demand is made, such surplus shall be forfeited to the corporation.

Attempts to evade payment of tolls. [144]

133. *No person shall with intent to evade payment of toll cause a vehicle or animal*—

(a) *to pass a toll-station without stopping if he is required by the toll-keeper to stop; or*

(b) *to leave a street on which a toll-station has been placed and pass over any adjacent land, not being either a public street or land, of which such person is the owner or occupier.*

Table of tolls. [145]

134. At every toll-bar or *toll*-station a table of the tolls leviable shall be put up legibly written or painted in English and in the Tamil, Telugu and Hindustani languages in some conspicuous place near such toll-bar or *toll*-station.

Duty on transfers of property.

Method of assessment of duty on transfers of property. [147]

135. *The duty on transfers of property shall be levied in the form of a surcharge on the duty imposed by the Indian Stamp Act*, 1899, *on instruments of sale, gift and mortgage* with possession *of immovable property situated within the limits of the city*

which may be executed after the commencement of the Act at a rate not exceeding two per centum on, as the case may be, the amount of the consideration, the value of the property, or the amount secured by the mortgage, as set forth in the instrument.

136. *On the introduction of the transfer duty,* — Provisions applicable on the introduction of transfer duty. [148]

(*a*) *Section* 27 *of the Indian Stamp Act*, 1899, *shall be read as if it specifically required the particulars to be set forth separately in respect of property situated within and without the city.*

(*b*) *Section* 64 *of the Indian Stamp Act*, 1899, *shall be read as if it referred to the Corporation as well as the Government.*

137. *The Governor in Council may make rules not inconsistent with this Act for regulating the collection of the duty, the payment thereof to the corporation and the deduction of any expenses incurred by the Government in the collection thereof.* — Power to make rules regarding assessment and collection of transfer duty. [149]

138. *The rules and tables embodied in Schedule IV shall be read as part of this chapter.* — Rules in Schedule IV. [152]

CHAPTER VI.—FINANCE.

The Municipal Fund.

139. All moneys *received by* the corporation shall constitute a fund which shall be called the municipal fund and shall be *applied and disposed of* in accordance with *the provisions of this Act.* — Definition of Municipal fund. [153]

140. The *Governor in Council* shall appoint auditors of the accounts *of receipt and expenditure of the municipal fund. Such auditors shall be* deemed to be '*public servants' within the meaning of section* 21 *of the Indian Penal Code.* — Audit of accounts. [154]

141. *With regard to the deposit, investment and expenditure of the municipal fund and the audit of the municipal accounts the rules in Schedule V shall be observed.* — Financial rules. [155]

Loans.

142. (1) The *council* may, in pursuance of any resolution passed at a special meeting, borrow by way of debenture or otherwise on the security of all or any of the taxes, *duties*, tolls, fees and dues authorized by or under this Act, any sums of money which may be required— — Power of corporation to borrow money. [156]

(*a*) *for the construction of works,*

(*b*) *for the acquisition of land, or*

(*c*) to pay off any debt due to the Government, *or*

(*d*) *to re-pay a loan previously raised under this Act or other Act previously in force :*

Provided that :—

(i) *no loan shall be raised without the previous sanction of the Governor in Council or, if the loan exceeds Rs.* 5,00,000 *or is to be re-paid after a period exceeding thirty years, of the Governor-General in Council ;*

(ii) *the rate of interest and the terms as to the time and method of re-payment and the like shall be subject to the approval of the Governor in Council or, if the loan exceeds Rs.* 5,00,000 *or is to be re-paid after a period exceeding thirty years, of the Governor-General in Council.*

(2) *When any sum of money has been borrowed under sub-section* (1),—

(*a*) *no portion thereof shall without the previous sanction of the Governor in Council be applied to any purpose other than that for which it was borrowed, and*

(*b*) *no portion of any sum of money borrowed under sub-section* (1), *clause* (*a*), *shall be applied to the payment of salaries or allowances to any municipal officers or servants other than those exclusively employed upon the works for the construction of which the money was borrowed.*

Time for re-payment of money borrowed under section 142. [157]

143. The time for the re-payment of any money borrowed under section **142** *shall in no case exceed sixty years*, and the time for the re-payment of any money borrowed for the purpose of discharging any previous loan shall not, except with the express sanction of the *Governor-General in Council*, extend beyond the unexpired portion of the period for which such previous loan was sanctioned.

Limit of borrowing powers. [158]

144. Notwithstanding anything hereinbefore contained, the borrowing powers of the corporation shall be limited so that the sum payable annually for interest and for the maintenance of the sinking funds as hereinafter *provided*, and for interest and re-payment of any sums borrowed otherwise shall not, *except with the express sanction of the Governor-General in Council*, exceed *twelve and a half* per cent of the annual value of buildings and lands as determined under chapter *V*.

Form and effect of debentures. [159]

145. All debentures issued under this chapter shall be in such form as the *council*, with the previous sanction of the *Governor-General in Council*, may determine; and shall be transferable in such manner as shall be therein expressed; and the right to sue in respect of the moneys secured by any of such debentures shall vest in the holders thereof for the time being without any preference by reason of some such debentures being prior in date to others.

Payment to survivors of joint payees. [160]

146. *When any debenture or security issued under this Act is payable to two or more persons jointly, and either or any of them dies, then, notwithstanding anything in section 45 of the Indian Contract Act*, 1872, *the debenture or security shall be payable to the survivor or survivors of such persons:*

Provided that nothing in this section shall affect any claim by the representative of a deceased person against such survivor or survivors.

Receipt by joint holder for interest or dividend. [161]

147. *When two or more persons are joint holders of any debenture or security issued under this Act, any one of such persons may give an effectual receipt for any interest or dividend payable in respect of such debenture or security, unless notice to the contrary has been given to the corporation by any other of such persons.*

Maintenance and investment of sinking funds. [162]

148. (1) The corporation shall maintain sinking funds for the re-payment of money borrowed on debentures issued and shall pay by quarterly instalments into such sinking funds such sum as will be sufficient for the re-payment within the period fixed for the loan of all moneys borrowed on debentures issued.

(2) All money paid into the sinking funds shall, as soon as possible, be invested under the orders of *the council* in—

(*a*) securities of the Government of India, or

(*b*) securities guaranteed by the Government, or

(*c*) Madras municipal debentures;

and shall be invested in the joint names of the Chief Secretary to the Government of Madras, and the Accountant-General of Madras, to be held by them as trustees for the purpose of re-paying at due date the debentures issued by the corporation.

(3) All dividends and other sums received in respect of any such investment shall, as soon as possible after receipt, be paid into the sinking funds and invested in the manner *laid down in* sub-section (2).

(4) When any part of a sinking fund is invested in Madras municipal debentures, or is applied in paying off any part of a loan before the period *fixed for re-payment*, the interest which would otherwise have been payable on such debentures or on such part of the loan shall be paid into the sinking fund and invested in the manner *laid down in* sub-section (2).

(5) Any investment made under this section may, subject to the provisions of sub-section (2), be varied or transposed.

Application of sinking fund. [163]

149. The aforesaid trustees may apply a sinking fund, or any part thereof, in or towards the discharge of the loan or part of a loan for which such fund was created; and until such loan or part is wholly discharged shall not apply the same for any other purpose:

Provided that when any loans or parts thereof have been consolidated under section **151**, the trustees shall transfer to the sinking fund of the consolidated loan so created such part of the sinking funds of the original loans as may be proportionate to the amount of the original loans incorporated in the consolidated loan.

150. (1) The aforesaid trustees shall, at the end of every year, submit to the corporation a statement showing— Annual statement by trustees. [164]

(*a*) the amount which has been invested during the year under section **148**,

(*b*) the date of the last investment made previous to the submission of the statement,

(*c*) the aggregate amount of the securities then in their hands, and

(*d*) the aggregate amount which has up to the date of the statement been applied under section **149** in or towards discharging loans.

(2) Every such statement shall be laid before the *council* and published.

151. (1) Notwithstanding anything to the contrary contained in this chapter, the corporation may consolidate all or any of their loans and for that purpose may invite tenders for a new loan (to be called the 'municipal consolidated loan, 19 ') and invite the holders of municipal debentures to exchange their debentures for scrip of such loan. Power of corporation to consolidate loans. [165]

(2) The terms of any such consolidated loan and the form of its scrip and the rates at which exchange into such consolidated loan shall be permitted shall be subject to the prior approval of the *Governor-General in Council*.

(3) The period for the extinction of any such consolidated loan shall not, without the sanction of the *Governor-General in Council*, extend beyond the farthest date within which any of the loans to be consolidated would be otherwise re-payable.

(4) The corporation shall provide for the re-payment of any such consolidated loan by a sinking fund in the manner *laid down* in section **148** having regard to the amount transferred to such sinking fund under *section* **149**.

152. All payments due from the corporation for interest on and re-payment of loans shall be made in priority to all other payments due from the corporation. Priority of payments for interest and re-payment of loans over other payments. [166]

153. (1) If any money borrowed by the corporation from the Government, whether before or after the commencement of this Act, or any interest or costs due in respect thereof, be not re-paid according to the conditions of the loan, the *Governor in Council* may attach the municipal fund or any part thereof. Attachment of municipal fund for recovery of money borrowed from Government. [167]

(2) After such attachment, no person except an officer appointed in this behalf by the *Governor in Council* shall in any way deal with the attached fund; but such officer may do all acts in respect thereof which any municipal authority, officer or servant might have done if such attachment had not taken place, and may apply the proceeds in satisfaction of the arrears and of all interest and costs due in respect thereof and of all expenses caused by the attachment and subsequent proceedings:

Provided that no such attachment shall defeat or prejudice any debt for which the fund attached was previously charged in accordance with law; but all such prior charges shall be paid out of the proceeds of the fund before any part of the proceeds is applied to the satisfaction of the debt due to the Government.

Budget.

154. The *commissioner* shall, on or before **the** *tenth day of* **December each year,** prepare and submit to the standing committee a budget containing a detailed estimate of income and of expenditure for the ensuing year, *and, if it is in his opinion necessary or expedient to vary taxation or to raise loans, shall submit his proposals in regard thereto.* Estimates of expenditure and income to be prepared annually by the commissioner. [168]

155. (1) *The standing committee shall, on or as soon as may be after the tenth day of* **December,** *consider the estimates and proposals of the commissioner and, after having obtained from the commissioner such further detailed information, if any, as it shall think fit to require, and having regard to all the requirements of this Act, shall frame therefrom, subject to such modifications and additions therein or thereto as it shall think fit, a budget estimate of the income and expenditure of the corporation for the next year.* Budget estimate to be prepared by the standing committee. [169]

(2) *In such budget estimate, the standing committee shall—*

(*a*) *provide for the payment, as they fall due, of all instalments of principal and interest for which the corporation may be liable on account of loans ;*

(*b*) *allow for a cash balance at the end of the year of not less than one lakh of rupees.*

(3) *The commissioner shall cause the budget estimate, as finally approved by the standing committee, to be printed and shall, not later than the fifteenth day of* January *forward a printed copy thereof to each councillor.*

Consideration of budget estimate by the council. [170]

156. *At a meeting of the council which shall be called for some day in* **February,** *the budget estimate prepared by the standing committee shall be laid before the council.*

Procedure of council [171]

157. *The council may refer the budget estimate back to the standing committee for further consideration and re-submission within a specified time, or adopt the budget estimate or any revised budget estimate submitted to* it, *either as it stands, or subject to such alteration as* it *deems expedient: provided that the budget estimate finally adopted by the council shall make adequate and suitable provision for each of the matters referred to in clauses* (*a*) *and* (*b*) *of section* 155 *sub-section* (2).

Obligation to pass budget before the beginning of the year. [172]

158. *The council shall finally pass the budget estimate before the beginning of the year to which it relates and forthwith submit a copy thereof to the Governor in Council.*

Council may pass supplemental budget. [173]

159. The *council* may, on the recommendation of the standing committee, *from time to time during any year pass a supplemental budget estimate for the purpose of meeting any special or unforeseen requirement arising during that year, but not so that the estimated cash balance at the close of the year shall be reduced below one lakh of rupees.*

Rule as to unexpended budget grants. [174]

160. *If any portion of a budget grant remains unexpended at the close of the year in the budget-estimate for which such grant was included, and if the amount thereof has not been taken into account in the opening balance of the municipal fund entered in the budget estimate of the next following year, or in any intervening modification of the budget estimate, the standing committee may sanction the expenditure of such unexpended portion during the next following year for the completion, according to the original intention of sanction, of the purpose or object for which the budget grant was made, but not for any other purpose or object.*

Reduction or transfer of budget grants. [175]

161. (1) *The standing committee may, if it thinks necessary, at any time during the year—*

(*a*) *reduce the amount of a budget grant; or*

(*b*) *transfer and add the amount, or a portion of the amount, of one budget grant to the amount of any other budget grant:*

Provided that—

(i) *due regard shall be had when making any such reduction or transfer to all the requirements of this Act;*

(ii) *the aggregate sum of the budget grants contained in the budget estimate adopted by the council shall not be increased except by the council under section* 159 *;*

(iii) *every such reduction or transfer shall be brought to the notice of the council at* its *next meeting.*

(2) *If any such reduction or transfer is of an amount exceeding Rs. 500, the council may pass with regard thereto such order as* it *thinks fit, and it shall be incumbent on the standing committee and the commissioner to give effect to the said order.*

Re-adjustment of income and expenditure to be made by the corporation during the course of the official year whenever necessary. [176]

162. (1) *If it shall at any time during any year appear to the council, upon the representation of the standing committee, that, notwithstanding any reduction of budget grants that may have been made under section* 161 *the income of the municipal fund during the said year will not suffice to meet the expenditure sanctioned in the budget estimate of the said year and to leave at the close of the year a cash balance of not less than one lakh of rupees, it shall be incumbent on the council either to diminish the sanctioned expenditure of the year, so far as it may be possible so to do with due regard to all the requirements of this Act, or to have recourse to supplementary taxation, or to adopt both of these expedients in such measure as may be necessary to secure an estimated cash balance of not less than one lakh of rupees at the close of the year.*

(2) *Whenever the council determines to have recourse to supplementary taxation in any year, it shall do so by increasing for the unexpired portion of the year the rate at which any tax or duty is being levied, subject to the conditions, limitations and restrictions laid down in chapter V.*

PART IV.

PUBLIC HEALTH, SAFETY AND CONVENIENCE.

CHAPTER VII.—WATER-SUPPLY, LIGHTING AND DRAINAGE.

Public Water-supply.

163. All public reservoirs, tanks, *cisterns*, *fountains*, *wells*, *pumps*, pipes, *taps*, conduits, *aqueducts* and other works (not *vested in* the Government) connected with the supply of water to the city whether made at the cost of the corporation or otherwise, and all bridges, buildings, engines, works, materials, and other things connected therewith and all land (not being private property or property *vested in* the Government) adjacent and appertaining to the same, shall vest in the corporation. Vesting of works in corporation. [177]

164. The **corporation** may, with the sanction of the *Governor in Council*, construct, lay, *or erect* filtering tanks, reservoirs, engines, conduits, *pipes*, or other works without the limits of the city *for supplying it with water*, and may provide tanks, reservoirs, engines, mains, fountains and other conveniences within the said limits for the use of the inhabitants. Construction of water-works. [178]

165. (1) The corporation shall provide a supply of wholesome drinking water within the city and shall erect sufficient stand-pipes, fountains, or other conveniences for the gratuitous supply of water. Provision of gratuitous supply of drinking water. [179]

(2) The corporation shall, as far as possible, make adequate provision that such supply is continuous throughout the year.

166. It shall not be lawful for any person except with permission duly obtained to enter on land *vested in* the corporation along which a conduit or pipe runs or on any premises connected with the *water*-supply. Trespass on water-supply premises. [180]

167. (1) Without the permission of the commissioner no building, wall or other structure shall be newly erected and no street or railway shall be constructed over any municipal water-mains. **Prohibition of building over water mains.**

(2) If any building, wall or other structure be so erected or any street or railway be so constructed the commissioner may, with the approval of the standing committee, cause the same to be removed or otherwise dealt with as to him shall appear fit and the expenses thereby incurred shall be paid by the persons offending.

Private Water-supply.

168. *All house-connexions, whether within or without the premises to which they belong, with the corporation's water-supply mains shall be under the control of the corporation, but shall be altered, repaired and kept in proper order, at the expense of the owner of the premises to which they belong, or for the use of which they were constructed, and in conformity with by-laws made in that behalf.* Control over house-connexions. [181]

169. (1) The *commissioner* may on application by the owner or occupier of any building *at his discretion* arrange, *in accordance with the by-laws, to supply* water *thereto* for domestic *consumption and use :* Private water-supply for domestic consumption and use and powers of commissioner to enforce provision of water-supply. [182]

Provided that the commissioner shall not without the sanction of the standing committee agree to supply water to any building assessed at an annual value of less than one hundred and twenty rupees.

(2) *Whenever it appears to the commissioner that any dwelling-house assessed at an annual value of not less than one hundred and twenty rupees is without a proper supply of water for domestic consumption and use and that such a supply can be furnished from a main not more than one hundred feet distant from any part of such building, the commissioner may by notice require the owner to obtain such supply and to execute all such works as may be necessary for that purpose in accordance with the by-laws :*

(3) *It shall not be lawful for the owner of any dwelling-house assessed at an annual value of not less than one hundred and twenty rupees which may be constructed or re-constructed after the commencement of this Act, to occupy it or cause or permit it to be*

occupied until he has obtained a certificate from the commissioner that there is provided within or within a reasonable distance of the house such a supply of wholesome water as appears to the commissioner to be sufficient for domestic consumption and use of the inmates of the house.

(4) *The cost of making the connexion and the cost or hire of meters shall be borne by the applicant and shall be recoverable in the same manner as the water and drainage tax.*

(5) *For all water supplied under this section, in excess of a maximum determined by regulations of the standing committee, payment shall be made at such times and under such conditions as may be laid down in such regulations and shall be recoverable in the same manner as the water and drainage tax.*

Explanation.—Supply of water for domestic *consumption and use* shall not be deemed to include a supply—

(*a*) for any trade, manufacture or business,

(*b*) for gardens or for purposes of irrigation,

(*c*) for building purposes,

(*d*) for fountains, swimming baths, *public baths, tanks in or near temples and mosques* or for any ornamental or mechanical purpose,

(*e*) for animals, or for washing vehicles, where such animals or vehicles are kept for sale or hire,

but shall be deemed to include a supply—

(*i*) *for flushing latrines or drains,*

(*ii*) *for all baths other than swimming baths or public baths,*

(*iii*) *for the consumption and use of inmates of hotels, boarding houses and residential clubs and for baths used by such inmates.*

Private Water-supply for non-domestic purposes.

Commissioner's power to supply water for non-domestic purposes at rates fixed by standing committee. [183]

170. (1) The *commissioner* may, **with the sanction of the standing committee,** supply water for any purpose other than domestic *consumption and use* on receiving a written application specifying the purpose for which such supply is required and the quantity likely to be consumed.

(2) For all water supplied under sub-section (1) payment shall be made at such rates *and such conditions shall be imposed* as may be *laid down* by the standing committee *by general or special order.*

Supply in special cases.

Supply to local authorities. [184]

171. *The corporation shall* **if required** *supply* **Fort St. George and** *the Port Trust with water and may supply any other local authority whether within or without the city, on such terms as to payment and as to the period and conditions of supply as shall be determined by the council, subject to appeal in respect of such terms to the Governor-in Council, whose decision shall be final.*

Cutting off Water-supply.

Power to cut off water-supply. [187]

172. (1) *The commissioner* may cut off the supply *of corporation* water *from any* premises—

(*a*) *if the premises are unoccupied;*

(*b*) *if any water-tax or any sum due for water or for the cost of making a connexion or the cost or hire of a meter or the cost of carrying out any work or test connected with the water-supply which is chargeable to any person by or under this Act is not paid within* **thirty** *days after a bill for such tax or sum has been presented;*

(*c*) *if after receipt of a notice from the commissioner requiring him to refrain from so doing the owner or occupier continues to use the water or to permit it to be used in contravention of any by-law made under this Act;*

(*d*) *if the owner or occupier wilfully or negligently damages his meter or any pipe or tap conveying corporation water;*

(e) if the occupier refuses to admit the commissioner into premises which he proposes to enter for the purpose of executing any work or of placing or removing any apparatus or of making any examination or enquiry in connexion with the water-supply, or prevents the commissioner doing such work, placing or removing such apparatus or making such examination or inquiry;

(f) if any pipes, taps, works or fittings connected with the corporation water-supply are found on examination by the commissioner to be out of repair to such an extent as to cause waste or contamination of water;

(g) if the owner or occupier causes pipes, taps, works or fittings connected with the corporation water-supply to be placed, removed, repaired or otherwise interfered with in violation of the by-laws.

(2) *The expense of cutting off the supply shall be paid by the owner or occupier of the premises.*

(3) *In cases under clause (b) as soon as any money for non-payment of which water has been cut off, together with the expense of cutting off the supply, has been paid by the owner or occupier, the commissioner shall cause water to be supplied as before on payment of the cost (if any) of re-connecting the premises with the corporation water-works.*

(4) *No action taken under this section shall relieve any person from any penalties or liabilities which he may otherwise have incurred.*

173. *The corporation shall not be liable to any penalty or damages for cutting off the supply of water or for not supplying water, in the case of unusual drought, other unavoidable cause or accident, or the necessity for relaying or repairing pipes.* Non-liability of corporation when supply reduced or not made in certain cases. [188]

Lighting.

174. The *commissioner* shall take measures for lighting in a suitable manner the public streets and public markets and all places of public resort vested in the corporation by electricity, gas, oil, or such other illuminant as the *council* may determine. Provision for lighting public street, etc. [189]

Public Drainage.

175. All public drains, pipes and drainage works existing at the time of the coming into operation of this Act or afterwards made at the cost of the corporation or otherwise, and all works, materials and things appertaining thereto shall vest in the corporation. Vesting of drains in corporation. [190]

176. The corporation shall, so far as the means at their disposal permit, provide and maintain a sufficient system of *public drains* throughout the city. Maintenance of system of drainage by the corporation. [191]

Private Drainage.

177. All house-drains whether within or without the *premises* to which they belong, and all private latrines, and cess-pools within the city shall be under the control of the corporation, *but* shall be altered, repaired and kept in proper order, at the expense of the owner of *the premises* to which the same belong or for the use of which they were constructed *and in conformity with by-laws framed by the council in this behalf.* Control over house drains, privies and cess-pools. [192]

178. (1) *The commissioner shall, on application by the owner or occupier of any premises or the owner of a private street, arrange, in accordance with the by-laws, for the connexion* if practicable *of the applicant's drain with a public drain at the applicant's expense.* Connexion of house-drains with public drains. [193]

(2) If there is a public drain or other place set apart by the corporation for the discharge of drainage within a distance not exceeding one hundred feet of the nearest point on any premises *the commissioner* may by notice direct the owner of the said *premises* to construct a drain leading therefrom to such drain or place *and to execute all such works as may be necessary in accordance with the by-laws at such owner's expense.*

(3) *If any premises are in the opinion of the commissioner without sufficient means of effectual drainage, but no part thereof is situated within one hundred feet of a public drain or* other place set apart by the corporation for the discharge of drainage *the commissioner may by notice direct the owner of the said premises to construct a closed*

cess-pool of such material, dimensions and description, in such position and at such level as the commissioner thinks necessary and to construct a drain or drains emptying into such cess-pool and to execute all such works as may be necessary in accordance with the by-laws.

(4) *It shall not be lawful for the owner of any building constructed or re-constructed after the commencement of this Act to occupy it or cause or permit it to be occupied until he has obtained a certificate from the commissioner that the said building is provided with such means of drainage as appear to the commissioner to be sufficient.*

Commissioner's power to drain premises in combination. [195]

179. (1) *When the commissioner is of opinion* that any group or block *of premises any part of which is situate within one hundred feet of a* public *drain, already existing or about to be constructed,* may be drained more economically or advantageously in combination than separately, the *commissioner* may, with the approval of the standing committee, cause such group or block of *premises* to be drained *by such method as appears to the commissioner to be best suited therefor* and the expenses incurred by the *commissioner in so doing* shall be paid by the owners in such proportions as the standing committee may *think fit.*

(2) Not less than fifteen days before any work under this section is commenced, the *commissioner* shall give written notice to the owners of—

(*a*) the nature *of the intended* work,

(*b*) the estimated expenses thereof, *and*

(*c*) the proportion *of such expenses* payable by each owner.

(3) *The owners for the time being of the several premises constituting a group or block drained under sub-section* (1) *shall be the joint owners of every drain constructed, erected or fixed, or continued for the special use and benefit only of such premises and shall, in the proportion in which it is determined that they are to contribute to the expenses incurred by the commissioner under sub-section* (1), *be responsible for the expense of maintaining every such drain in good repair and efficient condition.*

Commissioner's power to close or limit the use of existing private drains. [194]

180. (1) *Where a drain connecting any premises with a public drain or other place set apart by the corporation for the discharge of drainage is sufficient for the effectual drainage thereof and is otherwise unobjectionable, but is not, in the opinion of the commissioner, adapted to the general drainage system of the city, or of the part of the city in which such drain is situated, the commissioner, with the approval of the standing committee, may*—

(*a*) *subject to the provisions of sub-section* (2) *close, discontinue or destroy the said drain and do any work necessary for that purpose ; or*

(*b*) *direct that such drain shall, from such date as he fixes in this behalf, be used for sewage only, or for water unpolluted with sewage only, and* may construct at the cost of the corporation *an entirely distinct drain* either *for water unpolluted with sewage or for sewage.*

(2) *No drain may be closed, discontinued or destroyed by the commissioner under clause* (*a*) of sub-section (1) *except on condition of his providing another drain as effectual for the drainage of the premises and communicating with a public drain or other place aforesaid and the expense of the construction of any drain so provided by the commissioner and of any work done shall be paid by the corporation.*

Building, etc., not to be erected without permission over drains. [198]

181. (1) *Without the permission of the commissioner no person shall place or construct any fence, building, culvert,* pipe *drain, drain-covering or other structure or any street, railway or cable over, under, in or across any public drain or stop up, divert, obstruct or in any way interfere with any public drain, whether it passes through public or private ground.*

(2) *The commissioner may remove or otherwise deal with anything placed or constructed in contravention of sub-section* (1) *as he shall think fit, and the cost of so doing shall be recoverable from the owner thereof in the manner provided in section* 387.

Construction of culverts by owner or occupier. [199]

182. (1) The *commissioner* may by notice *require* the owner or occupier of any building or land adjoining a public street to construct culverts *or drain-coverings* over the side channels or ditches at the entrances to the said building or land.

(2) Such culverts *or drain-coverings* shall be of the form and size and consist of such materials as may be specified in the said notice, and shall be maintained and kept free from all obstruction at the expense of the said owner or occupier.

183. The owner or occupier of any building in a public street shall, within fifteen days after receipt of notice in that behalf from the *commissioner*, put up, and thenceforward maintain, proper troughs and pipes for catching and carrying the water from the roof and other parts of such building, and for discharging such water in such manner as the *commissioner* may *allow*.

Maintenance of troughs and pipes for catching water. [200.]

Public Latrines.

184. The **corporation** shall provide and maintain in proper and convenient places a sufficient number of public latrines and shall cause the same to be kept **clean and** in proper order.

Provision of public latrines. [201]

185. (1) The *commissioner* may license for any period not exceeding one year the provision and maintenance of latrines for public use.

Licensing of public latrines. [202]

(2) No person shall keep a public latrine without a licence under sub-section (1).

(3) Every licensee of a public latrine shall maintain it clean and in proper order.

Private Latrines.

186. The commissioner may by notice require the owner or occupier of **any** building **within the time specified in such notice to** provide a latrine or alter *or remove from an unsuitable to a more suitable place* any existing latrine in accordance with the directions contained in such notice, for the use of the persons employed in or about or occupying such building, and **to** keep *it* clean and in proper *order*; and every owner or occupier of the ground on which any block of huts stands shall provide such latrines as the *commissioner* may *by notice* require and *within such time as may be fixed in the notice* for the use of the inhabitants of such block of huts.

Provision of latrines by owner or occupier. [203]

187. Every person employing workmen, labourers or other persons exceeding twenty in number shall provide and maintain for the separate use of persons of each sex so employed latrines of such description and number *as the commissioner* may *by notice require, and within such time as may be fixed in the notice* and shall keep the same clean *and in proper order*.

Provision of latrines and urinals for labourers. [204]

188. The commissioner may by notice require any owner or manager of a market, cart-stand, or cattle-stand **within such time as may be specified in such notice to** provide and maintain for the separate use of persons of each sex latrines of such description and number and in such a position as **may be specified** and **to** keep the same clean *and in proper order*.

Provision of latrines and urinals for markets, cart-stands, and cattle-stands. [205]

189. *All latrines shall be so constructed as to screen persons using the same* from the view of persons passing by or residing in the neighbourhood.

Latrines to be screened from view. [206]

General Powers.

190. *The commissioner may carry any cable, wire, pipe, drain or channel of any kind to establish or maintain any system of drainage, water-supply or lighting, through, across, under or over any road, street or place laid out for a road or street and after giving reasonable notice to the owner or occupier through, across, under, over, or up the side of, any land or building in the city, and may place and maintain posts, poles, standards, brackets or other contrivances to support* **cables, pipes, channels,** *wires and lights on any pole or post in the city not owned by the Government of India and may do all acts necessary or expedient for repairing or maintaining any such cable, wire, pipe, drain, channel, post, pole, standard, bracket or other similar contrivance in an effective state for the purpose for which it is intended to be used, or for removing the same :*

Power to carry wire, pipes, drains, etc., through private property subject to causing as little inconvenience as possible and paying for direct damage. [207]

Provided that such work shall be done so as to cause the least practicable nuisance or inconvenience to any person :

Provided further that the *commissioner* shall, with the sanction of the standing committee, pay compensation to any person who sustains damage by the exercise of such power.

Prohibition against making connexion without permission. [208]

191. (1) No person shall, without *the permission of the commissioner*, make any connexion *with any municipal cable, wire, pipe, drain or channel or with the house-connexion of any other person.*

(2) The *commissioner* may by notice require any connexion made in contravention of sub-section (1) *to be demolished, removed, closed, altered or re-made.*

Power to require railway level, etc., to be raised or lowered. [209]

192. If the corporation conduct any *pipe or* drain or other work connected with the *water-supply or* drainage of the city across a line of railway, they may, with the sanction of the *Governor in Council* and at the cost of the municipal fund, require the **railway administration concerned** to raise or lower the level thereof.

Powers of corporation in respect of works outside the city. [210]

193. (1) *The corporation shall not undertake new works beyond the limits of the city without the sanction of the Governor in Council.*

(2) *The corporation may, in the execution and for the purpose of any works* beyond the limits of the city *sanctioned* by the *Governor in Council whether before or after the passing of this Act,* exercise all the powers which they may exercise within the city throughout the line of country through which conduits, *channels, pipes, lines of posts and wires and the like run, and* over any lake or reservoir from which a supply of water for the use of the city is derived, and over all lands at a distance not exceeding one thousand yards beyond the high-water level of *any* such lake or reservoir, *and over any lands used for sewage farms, sewage disposal tanks, filters and other works connected with the drainage of the city.*

CHAPTER VIII.—SCAVENGING.

Provision of places of deposit for rubbish and filth. [211]

194. The *commissioner* shall provide or appoint, in proper and convenient situations, depôts and places for the temporary deposit or final disposal of rubbish, *filth and* carcasses of dead animals.

Public notice ordering deposit of rubbish and filth by occupier. [212]

195. (1) The *commissioner* may **with the previous sanction of the standing committee** by public notice direct that all rubbish *and filth* accumulating in any premises in any street or quarter of the city specified in the notice shall be collected by *the owner or* occupier of such premises, and deposited in a box or basket *or other receptacle*, of the kind specified in such notice, to be provided by such *owner or* occupier and kept at or near the premises.

(2) The commissioner may by public notice direct that all rubbish and filth accumulating in any latrine not connected with a drain and in respect of which no contract under section 197 has been entered into, shall be collected by the owner or occupier and deposited in municipal carts.

(3) The *commissioner* may cause public dust-bins or other convenient receptacles to be provided at suitable intervals and in proper and convenient situation in any street or quarter in respect of which no notice issued under sub-section (1) **or sub-section (2)** is for the time being in force,

and may by public notice direct that all rubbish *and filth* accumulating in any premises, the entrance to which is situated within fifty yards of any such receptacle, shall be collected by *the owner or* occupier of such premises and deposited in such receptacle.

Removal of rubbish and filth accumulating in large quantities on premises. [213]

196. When any premises are used for carrying on any manufacture, trade or business *or in any way so that* rubbish *or filth* is accumulated in quantities which are, in the opinion of the *commissioner*, too considerable to be deposited in any of the methods prescribed by a notice issued under *section* **195**, the *commissioner* may

(*a*) by notice *require* the *owner or* occupier of such premises to collect all rubbish *and filth* accumulating thereon, and to remove the same at such times, in such carts or receptacles, and by such routes as may be specified in the notice, to a depôt or place provided or appointed under section **194**; or

(*b*) after giving such *owner or* occupier notice of his intention, cause all rubbish *and filth* accumulated in such premises to be removed, and charge the said *owner or* occupier for such removal such periodical fee as may, with the sanction of the standing committee, be specified in the notice issued under clause (*a*).

197. The *commissioner* may contract with the *owner or* occupier of any *premises* to remove rubbish *or filth from such premises* on such terms as to time and period of removal and other matters as may seem suitable to the *commissioner*, and on payment of fees at such rate as *the council* may *determine*.

Contract with owner or occupier for removal of rubbish and filth. [214]

198. The *commissioner* shall provide—

(*a*) for the daily surface-cleansing of all *public* streets and the removal of the sweepings therefrom, and

(*b*) for the removal of—

(i) the contents of all receptacles and depôts and the accumulations at all places provided or appointed by him under section **194** for the temporary deposit of any of the things specified therein; and

(ii) all things deposited by *owners or* occupiers of premises in pursuance of any notice issued under section **195**.

Provision for daily cleansing of streets and removal of rubbish and filth. [215]

199. All things deposited in depôts or places provided or appointed under section **194** shall be the property of the corporation.

Rights of property of corporation in things deposited in receptacles. [216]

200. In cases not provided for by any notice issued under section **196**, the *commissioner* shall, with the sanction of the standing committee, *lay down*—

(*a*) the hours within which *rubbish and filth* may be removed, and

(*b*) the kind of cart or other receptacle in which *rubbish and filth* may be removed, and

(*c*) the route by which such carts or other receptacles shall be taken.

Directions as to removal of rubbish and filth. [217]

201. The corporation shall maintain an establishment under the control of the *commissioner* for the removal of *rubbish and filth* from latrines which are not connected with a public drain.

Maintenance of establishment for removal of rubbish and filth. [218]

202. (1) No person who is bound by any notice issued under section **195** or section **196**, as the case may be, to collect and deposit or remove rubbish *or filth* accumulating on *any* premises shall allow the same so to accumulate for more than twenty-four hours.

Prohibition against accumulation of rubbish or filth on premises.

(2) No person shall deposit any rubbish *or filth* otherwise than as provided in a notice issued under section **195** or section **196**, as the case may be.

Prohibition against irregular methods of depositing rubbish or filth.

(3) No person shall remove *rubbish or filth* otherwise than to a depôt or place provided or appointed for the purpose under section **194**, or otherwise than as *laid down* under **section 196** or section **200**.

Prohibition against irregular removal of rubbish or filth.

(4) No person shall throw or place any rubbish *or filth*, as the case may be,

(*a*) in any place not provided or appointed for the purpose under section **194**, or

(*b*) in any way contrary to any direction given under section **195**.

Prohibition against deposit of rubbish or filth in unauthorized place or manner.

(5) No owner or occupier of *any premises* shall keep or allow to be kept for more than twenty-four hours, or otherwise than in a receptacle *approved by the commissioner*, any rubbish *or filth on such premises or any place belonging thereto* or neglect to employ proper means to remove the *rubbish or filth* from *or to* cleanse such receptacle and to dispose of such *rubbish or filth* in the manner directed by the *commissioner*, or fail to comply with any requisition of the *commissioner* as to the construction, repair, paving or cleansing of any latrine *on or belonging to the premises*.

Prohibition against keeping rubbish or filth for more than twenty-four hours, or in unauthorized place or manner.

(6) No owner or occupier shall allow the water of any sink, drain or *latrine* or the drainage from any stable or place, or any other *filth* to run down on, or to, or be put upon, any street, or into any drain in or alongside of any street, except in such manner as shall prevent any avoidable nuisance from any such *filth* soaking into the walls or ground at the side of the said drain.

Prohibition against allowing sewage to flow in streets. [219]

CHAPTER IX.—STREETS.

Public Streets.

Vesting of public streets and their appurtenances in corporation. [220]

203. All public streets in the city *not reserved under the control of* the Government, and the sidedrains, pavements, stones and other materials thereof, and all erections, materials, implements and other things provided for such streets, and all trees, not being private property, growing thereon or by the side thereof, shall vest in the corporation.

Maintenance and repair of streets. [221]

204. The corporation shall cause the public streets to be maintained and repaired and may make all improvements *thereto* which are necessary or expedient for the public safety or convenience.

Powers of authorities in regard to streets. [222]

205. (1) *The commissioner may, subject always to such sanction as may be required under chapter IV,*

(*a*) lay out and make new streets;

(*b*) construct bridges and sub-ways;

(*c*) turn, divert, or with the *special* sanction of the *council and* the Governor in Council, permanently close any public street or part thereof;

(*d*) widen, open, *extend* or otherwise improve any public street.

(2) Reasonable compensation shall be paid to the owners and occupiers of any land or buildings which are acquired for or affected by any such purposes.

Power to dispose of permanently closed streets. [223]

206. (1) When any public street is permanently closed under section **205**, the corporation may *dispose of* the site or so much *thereof* as is no longer required making due compensation to any person injured by such closing.

(2) In determining such compensation, allowance shall be made for any benefit accruing to the same premises or any adjacent premises belonging to the same owner from the construction or improvement of any other public street at or about the same time that the public street, on account of which the compensation is paid, is closed.

Acquisition of land and buildings for improvement of streets. [224]

207. (1) The *commissioner* may, *subject always to such sanction as may be required under chapter IV,* acquire—

(*a*) any land required for the purpose of widening, opening, extending or otherwise improving any public street, or of making any new public street, and the buildings, if any, standing upon such land;

(*b*) any land outside the proposed street alignment, with the buildings, if any, standing thereupon, which the *council* may consider it expedient to acquire.

(2) Any land or building acquired under sub-section (*1*), *clause* (*b*) may be sold, leased or otherwise disposed of after public advertisement, and any conveyance made for that purpose may comprise such conditions as the *standing* committee thinks fit as to the removal of the existing building, if any, the description of the new building (if any) to be erected, the period within which the new building (if any) shall be completed and any other similar matters.

(3) The standing committee may require any person to whom any land or building is transferred under sub-section (2) to comply with any conditions comprised in the said conveyance before it places him in possession of the land or building.

Power to prescribe building line and street alignment. [225]

208. The standing committee may

(a) prescribe for any public street a building line or a street alignment or both a building line and a street alignment;

(b) from time to time, but subject in each case to its receiving the authority of the council in that behalf, define a fresh line in substitution for any line so defined or for any part thereof, provided that such authority shall not be accorded—

(i) unless, at least one month before the meeting of the council at which the matter is decided, public notice of the proposal has been given by the commissioner by advertisement in the local newspapers and in the Fort St. George Gazette, and special notice thereof, signed by the commissioner, has also been put up in the street or part of the street for which such fresh line is proposed to be defined; and

(ii) until the council has considered all objections to the said proposal made in writing and delivered at the municipal office not less than three clear days before the day of such meeting.

209. (1) No person shall construct any portion of any building within a street alignment defined under section 208 provided however that the commissioner may in his discretion permit additions to a building to be made within a street alignment, if such additions merely add to the height and rest upon an existing building or wall upon the owner of the building executing an agreement binding himself and his successors in interest. Restrictions on erection of or addition to buildings within street alignment or building line. [226]

(a) not to claim compensation in the event of the commissioner at any time thereafter calling upon him or such successors to remove any building erected or added to in pursuance of such permission or any portion thereof, and

(b) to pay the expenses of such removal.

Provided that the commissioner shall, in every case in which he gives permission, report his reasons in writing to the standing committee.

If the commissioner refuses to grant permission to erect or add to any building on the ground that the proposed site falls wholly or in part within a street alignment prescribed under section 208 and if such site or the portion thereof which falls within such alignment be not acquired on behalf of the corporation within one year after the date of such refusal, the corporation shall pay reasonable compensation to the owner of the site.

(2) No person shall erect or add to any building between a street alignment and a building line defined under section 208 except with the permission of the commissioner, who may when granting permission impose such conditions as the standing committee may lay down for such cases.

210. (1) When any building or part thereof abutting on a public street is within a street alignment defined under section 208, the commissioner may, whenever it is proposed Setting back projecting buildings or walls. [227]

(a) to rebuild such building or take it down to an extent exceeding one-half thereof above the ground level, such half to be measured in cubic feet; or

(b) to remove, reconstruct or make any addition to any portion of such building which is within the street alignment;

in any order which he issues concerning the rebuilding, alteration or repair of such building, require such building to be set back to the street alignment.

(2) When any building or any part thereof within the street alignment falls down or is burnt down or is, whether by order of the commissioner or otherwise, taken down, the commissioner may forthwith take possession on behalf of the corporation of the portion of land within the street alignment theretofore occupied by the said building and, if necessary, clear it.

(3) Land acquired under this section shall be deemed a part of the public street and shall vest in the corporation.

(4) When any building is set back in pursuance of any requisition made under sub-section (1), or when the commissioner takes possession of any land under sub-section (2), the corporation shall forthwith make full compensation to the owner for any direct damage which he may sustain thereby.

Explanation.—The expression 'direct damage' as used in sub-section (4) with reference to land means the market value of the land taken and the depreciation, if any, in the ordinary market value of the rest of the land resulting from the area being reduced in size; but does not include damage due to the prospective loss of any particular use to which the owner may allege that he intended to put the land, although such use may be injuriously affected by the reduction of the site.

211. The commissioner may, upon such terms as he thinks fit, allow any building to be set forward for the purpose of improving the line of a public street and may, with the sanction of the standing committee, by notice require any building to be so set forward in the case of reconstruction thereof or of a new construction. Setting buildings forward to improve line of street. [228]

Explanation.—For the purpose of this section a wall separating any premises from a public street shall be deemed to be a building; and it shall be deemed a sufficient compliance with permission or requisition to set forward a building to the street alignment if a wall of such material and dimensions as are approved by the commissioner is erected along the said line.

212. (1) The standing committee may prepare schemes and plans of proposed public streets, showing the direction of such streets, the street alignment and building line on each side of them, their intended width and such other details as may appear desirable. Projected streets. [229]

(2) The width of such proposed streets shall **ordinarily** not be less than forty feet, or in any area covered by huts, twenty feet:

(3) When any plan has been prepared under sub-section (1), the provisions of section 210 shall apply to all buildings, so far as they stand across the street alignment of the projected street.

Temporary closure of streets. [231]

213. The *commissioner* may by an order temporarily close any street *to traffic* for repair, or in order to carry out any work connected with drainage, water-supply or lighting or any of the purposes specified in schedule *V*:

Provided that such work shall be completed and such street re-opened *to* traffic with all reasonable speed.

Protection of appurtenances and materials of streets. [232]

214. It shall not be lawful for any person, without the permission of the *commissioner*, to displace, take up or make any alteration in the fences, posts, pavement, flags or other materials of any public street.

Private Streets.

Owner's obligation to make a street when disposing of land as building sites.

215. If the owner of any land utilises, sells, leases or otherwise disposes of such land or any portion or portions of the same as sites for the construction of buildings, he shall, save in such cases as the site or sites may abut on an existing public or private street, lay down and make a street or streets or road or roads giving access to the site or sites and connecting with an existing public or private street.

Making of new private streets. [233]

216. (1) Any person intending to lay out or make a new private street must send to the *commissioner* a written *application* with plans and sections showing the following particulars, namely—

(*a*) the intended level, *direction* and width of the street,

(*b*) the street alignment and the building line, and

(*c*) the arrangements to be made for levelling, paving, metalling, flagging, channelling, sewering, draining, *conserving* and lighting the street.

(2) The provisions of this Act and of any rules or by-laws made *under it* as to the level and width of public streets and the height of buildings abutting thereon shall apply also in the case of streets referred to in sub-section (1); and all the particulars referred to in that sub-section shall be subject to approval by the standing committee.

(3) Within sixty days after the receipt of any *application under sub-section (1)* the standing committee shall either sanction the making of the street *on such conditions as it may think* fit or disallow it, or ask for further information with respect to it.

(4) Such sanction may be refused—

(i) if the proposed street would conflict with any arrangements which have been made or which are in the opinion of the standing committee likely to be made, for carrying out any general scheme of street improvement,

(ii) if the proposed street does not conform to the provisions of the Act, *rules and by-laws* referred to in sub-section (2) or

(iii) if the proposed street is not designed so as to connect at one end with a street which is already open.

(5) *No person shall lay out or make any new private street without or otherwise than in conformity with the orders of the standing committee.* If further information is asked for, no steps shall be taken to **lay out or make** the street until orders have been passed upon receipt of such information.

Provided that the passing of such orders shall not in any case be delayed for more than sixty days after the standing committee has received all the information which it considers necessary to enable it to deal finally with the said application.

Alteration or demolition of street made in breach of section 216. [234]

217. (1) If any person lays out or makes any street referred to in section **216**, without *or otherwise than in conformity with the orders of the standing committee*, the *commissioner* may, whether or not the offender be prosecuted under this Act, by notice—

(*a*) require the offender to show sufficient cause, by a written statement signed by him and sent to the commissioner on or before such day as may be specified in the notice, why such street should not be altered to the satisfaction of the *commissioner*, or if such alteration be impracticable, why such street should not be demolished, or

(*b*) require the offender to appear before the *commissioner* either personally or by a duly authorised agent, on such day and at such time and place as may be specified in the notice, and show cause as aforesaid.

(2) *If any person on whom such notice is served fails to show sufficient cause to the satisfaction of the commissioner why such street should not be so altered or demolished, the commissioner may pass an order directing the alteration or demolition of such street.*

Power of commissioner to order work to be carried out or to carry it out himself in default. [235]

218. (1) If any private street or part thereof is not levelled, paved, metalled, flagged, channelled, **sewered**, drained, *conserved, or* lighted to the satisfaction of the *commissioner*, he may by notice require the owners or occupiers of **premises** fronting or abutting on such street or part thereof, to carry out any work which in his opinion may be necessary, and within such time as may be specified in such notice.

(2) If such work is not carried out within the time specified in the notice, the *commissioner* may, if he thinks fit, execute *it* and the expenses incurred shall be paid by the owners or occupiers in default according to the frontage of their respective **premises** and in such proportion as may be settled by the *commissioner*.

Right of owners to require streets to be declared public. [236]

219. If any street has been levelled, paved, metalled, flagged, channelled, **sewered**, drained, *conserved* and lighted under the provisions *of* section **218**, such street shall, on the requisition of not less than three-fourths of the owners thereof, be declared a public street.

Encroachments on streets.

Prohibition against obstructions in streets. [237]

220. No one shall build any wall or erect any fence or other obstruction, encroachment *or projection* in *or over* any street except as hereinafter provided.

Prohibition and regulation of doors, ground-floor windows and bars opening outwards. [238]

221. (1) *No door, gate, bar, or ground floor window shall without a licence from the commissioner be hung or placed so as to open outwards upon any street.*

(2) *The commissioner may by notice require the owner of such door, gate, bar, or window to alter it so that no part thereof when open shall project over the street.*

Removal of encroachments. [239]

222. (1) The *commissioner* may *by notice require* the owner or occupier of any *premises* to remove or alter any projection, encroachment or obstruction (*other than a door, gate, bar, or ground-floor window*) *situated* against or in front of such *premises and* in *or over* any street.

(2) If the owner or occupier of the *premises* proves that any such projection, encroachment or obstruction *has existed for a period sufficient under the law of limitation to give him a prescriptive title* or that it was erected with the consent of any municipal authority duly empowered in that behalf, *and that the period, if any, for which the consent is valid, has not expired,* the corporation shall make reasonable compensation to every person who suffers damage by the removal or alteration of the same.

Power to allow certain projections and erections. [240]

223. (1) The *commissioner* may grant *a licence subject to such conditions and restrictions as he may think fit*—

(*a*) to the owner or occupier of any **premises** in a street, to put up verandas, balconies, sunshades, weather-frames and the like, to project over the *street, or in streets in which the construction of arcades has been sanctioned by the council, to put up an arcade:* or to construct any step or drain-covering necessary for access to the **premises**; *or*

(*b*) with the concurrence of the commissioner of police, for any temporary *construction* in a street on occasions of festivals and ceremonies.

Provided that *a licence under this section* shall in no case be granted if the projection, or erection, as the case may be, is likely to cause public inconvenience.

(2) *On expiry of any period for which a licence has been granted under this section, the commissioner may without notice cause any construction put up under clause* (*a*) *or* (*b*) *of sub-section* (1) *to be removed and the cost of so doing shall be recoverable from the person to whom the licence was granted in the manner provided in section* **387**. *The commissioner may also sell the materials of such construction and shall in that case apply the proceeds in or towards payment of the expenses incurred and* **pay** *any*

surplus accruing from such sale to the owner or other person entitled thereto on demand made within twelve months from the date of sale. If no demand is made such surplus shall be forfeited to the corporation.

Precautions during repair of streets. [241]

224. (1) The *commissioner* shall *so far as is practicable* during the construction or repair of any street, drain or premises vested in the corporation,

(*a*) cause the same to be fenced and guarded,

(*b*) take proper precautions against accident by shoring up and protecting the adjoining buildings, and

(*c*) cause such bars, chains or posts to be fixed across or in any street in which any such work is under execution as are necessary in order to prevent the passage of vehicles or animals and avert danger.

(2) The *commissioner* shall cause such drain, street or premises to be sufficiently lighted or guarded during the night while under construction or repair.

(3) The *commissioner* shall, with all reasonable speed, complete the said work, fill in the ground, and repair the said drain, street or premises.

Prohibition against removal of bars and lights. [242]

225. No person shall without lawful authority remove any bar, chain, post, or shoring timber or remove or extinguish any light set up under section **224**.

Making holes and causing obstruction. [243]

226. (1) No person shall make a hole or cause any obstruction in any street unless he previously obtains the permission of the *commissioner* and complies with such conditions as he may impose.

(2) When such permission is granted, such person shall, at his own expense, cause such hole or obstruction to be sufficiently fenced and enclosed, until the hole or obstruction is filled up or removed and shall cause such hole or obstruction to be sufficiently lighted during the night.

(3) *If any obstruction is caused in any street by the fall of structures, trees, or fences, the owner or occupier of the premises concerned shall within twelve hours of the occurrence of such fall, or within such further period as the commissioner may by notice allow, clear the street of such obstruction.*

Licence for work on buildings likely to cause obstruction. [244]

227. If any person intends to construct or demolish any building or to alter or repair the outward part thereof, and if any street or foot-way is likely to be obstructed or rendered inconvenient by means of such work, he shall first obtain a licence from the *commissioner* in that behalf and shall also—

(*a*) cause the said building to be fenced and guarded,

(*b*) sufficiently light *it* during the night, and

(*c*) take proper precautions against accidents,

during such time as the public safety or convenience requires.

Naming streets and Numbering buildings.

Naming of public streets. [245]

228. (1) *The council shall give names to new public streets and may alter the name of any public street.*

(2) The *commissioner* shall cause to be put up or painted in English and in at least one vernacular language on a conspicuous part of some building, wall, or place, at or near each end, corner or entrance of every public street, the name by which *it* is to be known.

(3) No person shall without lawful authority destroy, pull down or deface any such name or put up any name different from that put up by order of the *commissioner*.

Numbering of buildings. [246]

229. (1) The *commissioner* may cause a number to be affixed to the side or outer door of any building, or to some place at the entrance of the enclosure thereof.

(2) No person shall without lawful authority destroy, pull down or deface any such number.

(3) When a number has been affixed under sub-section (1), the owner of the building shall be bound to maintain such number and to replace it if removed or defaced; and if he fails to do so, the *commissioner* may by notice require him to replace *it*.

CHAPTER X.—BUILDING REGULATIONS.

General Powers.

Building rules. [247]

230. (1) *The Governor in Council may make rules—*

(*a*) *for the regulation or restriction of the use of sites for building, and*

(*b*) *for the regulation or restriction of building.*

(2) *Without prejudice to the generality of the power conferred by sub-section* (1), *clause* (*a*), *rules made under that clause may provide—*

(*a*) *that no insanitary or dangerous site shall be used for building, and*

(*b*) *that no site shall be used for the construction of a building intended for public worship if the construction of the building thereon will wound the religious feelings of any class of persons.*

(3) *Without prejudice to the generality of the power conferred by sub-section* (1), *clause* (*b*), *rules made under that clause may provide for the following matters :—*

(*a*) *information and plans to be submitted together with applications for permission to build ;*

(*b*) *height of buildings, whether absolute or relative to the width of streets ;*

(*c*) *level and width of foundation, level of lowest floor and stability of structure ;*

(*d*) *number and height of stories composing a building and height of rooms ;*

(*e*) *provision of sufficient open space external or internal, and adequate means of ventilation ;*

(*f*) *provision of means of egress in case of fire ;*

(*g*) *provision of secondary means of access for the removal of house refuse ;*

(*h*) *materials and methods of construction of external and party walls, roofs and floors ;*

(*i*) *position, materials and methods of construction of hearths, smoke-escapes, chimneys, staircases, latrines, drains, cess-pools ;*

(*j*) *paving of yards ;*

(*k*) *restrictions on the use of inflammable materials in building ; and*

(*l*) *in the case of wells, the dimensions of the well, the manner of enclosing it, and if the well is intended for drinking purposes, the means which shall be used to prevent pollution of the water.*

(4) No piece of land shall be used as a site for the construction of a building, and no building shall be constructed or re-constructed otherwise than in accordance with the provisions of this **Act** and of any rules or by-laws made **there**under relating to the use of building-sites or the construction or re-construction of buildings.

231. (1) The council may give public notice of their intention to declare— *Power of corporation to regulate future construction of certain classes of buildings in particular streets or localities. [248]*

(*a*) that, in any streets or portions of streets specified in the notice,

(i) continuous building will be allowed,

(ii) the elevation and construction of the frontage of all buildings thereafter constructed or re-constructed shall, in respect of their architectural features, be such as the standing committee may consider suitable to the locality, or

(*b*) that in any localities specified in the notice, the construction of only detached buildings will be allowed, or

(*c*) that in any streets, portions of streets or localities specified in the notice, the construction of shops, ware-houses, *factories*, huts, *or buildings of a specified architectural character or buildings destined for particular uses* will not be allowed without the special permission of the standing committee.

(2) No objections to any such declaration shall be received after a period of three months from the publication of such notice.

(3) The standing committee shall consider all objections received within the said period and *may then confirm the declaration, and, before doing so, may modify it, but not so as to extend its effect.*

(4) *The commissioner shall publish any declaration so confirmed and* it shall take effect from the date of publication.

(5) No person shall, *after the date of publication of such declaration*, construct or re-construct any building in contravention of any such declaration.

232. (1) *The council may require any building intended to be erected at the corner of two streets to be rounded off or splayed off to such height and to such extent otherwise as* it *may determine, and may acquire such portion of the site at the corner as* it *may consider necessary for public convenience or amenity.* *Buildings at corner of streets. [249]*

(2) *For any land so acquired the corporation shall pay compensation.*

(3) *In determining such compensation allowance shall be made for any benefit accruing to the same premises from the improvement of the streets.*

Prohibition against use of inflammable materials for buildings without permission. [250]

233. No external roof, veranda, pandal or wall of a building shall be constructed or re-constructed of grass, leaves, mats, or other inflammable materials except with the permission of the *commissioner*.

Buildings **other than huts.**

Application to construct or re-construct building. [252]

234. (1) If any person intends to construct or re-construct a building, he shall send to the *commissioner*—

(*a*) an application in writing for approval of the site, together with a site-plan of the land, and

(*b*) an application in writing for permission to execute the work together with a *ground* plan, elevations *and* sections *of the building* and *a* specification of the work.

(2) Every document furnished under sub-section (1) shall contain **such** particulars and be prepared in *such manner as may be required under rules or by-laws.*

Necessity for prior approval of the site. [253]

235. The *commissioner* shall not grant permission to construct or re-construct a building unless and until he has approved of the site on an application made under section **234.**

Prohibition against commencement of work without permission. [254]

236. The construction or re-construction of a building shall not be begun unless and until the *commissioner* has granted permission for the execution of the work.

Period within which commissioner is to signify approval or disapproval. [255]

237. Within thirty days after the receipt of any application made under section **234** for approval of a site, or of any information or further information required under *rules or by-laws* the *commissioner* shall, by written order, either approve the site or refuse on one or more of the grounds mentioned in section **240** to approve the site.

Period within which commissioner is to grant or refuse to grant permission to execute work. [256]

238. Within thirty days after the receipt of any application made under section **234** for permission to execute any work or of any information or of documents or further information or documents required under *rules or by-laws* the *commissioner* shall, by written order, either grant *such* permission or refuse on one or more of the grounds mentioned in section **240** or section **241** to grant *it*:

Provided that the said period of thirty days shall not begin to run until the site has been approved under section **237.**

Reference to standing committee if commissioner delays grant or refusal of approval or permission. [257]

239. (1) If, within the period *laid down* in section **237** or section **238,** as the case may be, the *commissioner* has neither given nor refused his approval of a building-site, or his permission to execute any work, as the case may be, the standing committee shall be bound, on the written request of the applicant, to determine by written order, whether such approval or permission should be given or not.

(2) If the standing committee do not, within fifteen days from the receipt of such written request, determine whether such approval or permission should be given or not, such approval or permission shall be deemed to have been given; and the applicant may proceed to execute the work, but not so as to contravene any of the provisions of this Act or any rules or by-laws made *under this Act.*

Grounds on which approval of site for, or licence to construct or re-construct, building may be refused. [258]

240. The only grounds on which approval of a site for the construction or re-construction of a building or permission to construct or re-construct a building may be refused, are the following, namely—

(1) that the work *or the use of the site for the work* or any of the particulars comprised in the site-plan, *ground-plan*, elevations, sections, or specification would contravene some specified provision of *any law* or some specified order, rule **declaration** or by-law made *under any law*;

(2) that the application for such permission does not contain the particulars or not prepared in the manner *required under rules or by-laws*;

(3) that any of the documents referred to in section **234** have not been signed as *required under rules or by-laws*;

(4) that any information or documents required by the *commissioner* under the *rules or by-laws* has or have not been duly furnished.

(5) that streets or roads have not been made as required by section 215.

Whenever the *commissioner* or the standing committee refuses to approve a site for a building, or to grant permission to construct or re-construct a building, the reasons for such refusal shall be specifically stated in the order.

241. Notwithstanding anything contained in section **240** if any street shown in the site-plan is an intended private street, the *commissioner* may at his discretion refuse to grant permission to construct a building, until the street is commenced or completed. Special powers for suspending permission to construct buildings. [259]

242. If the construction or re-construction of a building is not commenced within one year after the date on which permission was given to execute the work, the work shall not be commenced until a fresh application has been made and a fresh permission granted under this chapter. Lapse of permission if not acted upon within one year. [260]

243. The *commissioner* may inspect any building during the construction or re-construction thereof, or within one month from the date of receipt of the notice given under section **107.** Inspection by commissioner. [261]

244. (1) If the *commissioner* finds that the work— Power of commissioner to require alteration of work. [262]

(*a*) is otherwise than in accordance with the plans **or specifications** which have been approved, or

(*b*) contravenes any of the provisions of this Act or any **rule,** by-law, order or *declaration* made *under this Act*,

he may by notice require the owner of the building within a period stated either—

(i) to make such alterations as may be specified in the said notice with the object of bringing the work into conformity with the said plans, **specifications** or provisions, or

(ii) to show cause why such alterations should not be made.

(2) If the owner does not show cause as aforesaid he shall be bound to make the alterations specified in such notice.

(3) If the owner shows cause as aforesaid the *commissioner* shall by an order cancel the notice issued under sub-section (1), or confirm the same subject to such modifications as he may think fit.

245. Notwithstanding anything contained in any of the preceding sections, the commissioner may at any time stop the construction or re-construction of any building if in his opinion the work in progress endangers human life. Stoppage of work endangering human life. [263]

246. In sections 234 to 245 the word 'building' does not include a hut. **Above provisions not applicable to huts.**

Wells.

247. The provisions of sections **234, 235, 236, 242, 243, 244** and **245** shall, *so far as may be*, apply to wells. Application of certain sections to wells. [264]

Huts.

248. (1) Every person who intends to construct or re-construct a hut shall send to the commissioner— Application to construct or re-construct huts. [265]

(*a*) an application **in writing** for permission to execute the work, and

(*b*) a site-plan of the land.

(2) Every such application and plan shall contain the particulars and be prepared in the manner *required under rules or by-laws.*

249. The construction or re-construction of a hut shall not be commenced unless and until the *commissioner* has granted permission for the execution of the work on an application sent to him under section **248.** Prohibition against commencement of work without permission. [266]

Period within which commissioner is to grant or refuse to grant permission to execute the work. [267]

250. Within fourteen days after the receipt of any application made under section **248** for permission to construct or re-construct a hut, or of any information or plan or further information or fresh plan required under *rules or by-laws*, the *commissioner* shall, by written order, either grant such permission or refuse on one or more of the grounds mentioned in section **252** to grant it.

Reference to standing committee if commissioner delays grant or refusal of permission. [268]

251. (1) If within the period *laid down in* section **250**, the *commissioner* has neither granted nor refused to grant permission to construct or re-construct a hut, the standing committee shall be bound on the written request of the applicant, to determine by written order whether such permission should be granted or not.

(2) If the standing committee does not, within thirty days from the receipt of such written request, determine whether such permission should be granted or not, such permission shall be deemed to have been granted; and the applicant may proceed to execute the work but not so as to contravene any of the provisions of this Act or any rules or by-laws made *under this Act.*

Grounds on which permission to construct or re-construct hut may be refused. [269]

252. The only grounds on which permission to construct or re-construct a hut may be refused are the following, namely:—

(1) that the work *or the use of the site for the work* would contravene some specified provision of *any law* or some specified rule, by-law, **order** *or declaration* made *under any law*;

(2) that the application for permission does not contain the particulars or is not prepared in the manner *required under rules or by-laws*;

(3) that any information or plan required by the *commissioner* under *rules or by-laws* has not been duly furnished.

(4) that streets or roads have not been made as required by section 215.

Whenever the commissioner or standing committee refuses to grant permission to construct or re-construct a hut, the reasons for such refusal shall be specifically stated in the order.

Lapse of permission if not acted upon within six months. [270]

253. If the construction or re-construction of any hut is not commenced within six months after the date on which permission was given to execute the work, the work shall not be commenced until a fresh application has been made and a fresh permission granted under this chapter.

External walls, alterations and additions.

Maintenance of external walls in repair. [271]

254. The owner or occupier of any *building* adjoining a public street shall keep the external part thereof in proper repair with lime-plaster or other material to the satisfaction of the *commissioner.*

Application of provisions to alterations and additions. [272]

255. (1) The provisions of this chapter and of any rules or by-laws made under this Act relating to construction and re-construction of buildings shall also be applicable to any alteration thereof or addition thereto:

Provided that works of necessary repair which do not affect the position or dimensions of a building *or any room therein* shall not be deemed an alteration or addition for the purpose of this section.

(2) If any question arises as to whether any addition or alteration is a necessary repair not affecting the position or dimensions of a building *or room* such question shall be referred to the standing committee, whose decision shall be final.

Powers of commissioner.

Demolition or alteration of building or well-work unlawfully commenced, carried on or completed. [273]

256. (1) If the *commissioner* is satisfied—

(i) that the construction or re-construction of any building *or well*—

(*a*) has been commenced without obtaining the permission of the *commissioner* or (where an appeal or reference has been made to the standing committee) in contravention of any order passed by the standing committee, or

(*b*) is being carried on, or has been completed otherwise than in accordance with the *plans or* particulars on which such permission or order was based, or

(*c*) is being carried on or has been completed in breach of any of the provisions of this Act or of any rule or by-law made *under this Act* or of any direction or requisition lawfully given or made under this Act or such rules or by-laws, or

(ii) that any alterations required by any notice issued under section **244** have not been duly made, or

(iii) that any alteration of or addition to any building or any other work made or done for any purpose in, to, or upon any building, has been commenced or is being carried on or has been completed in breach of section **255**,

he may make a provisional order requiring the owner *or the builder* to demolish the work done, or so much of it as, in the opinion of the *commissioner*, has been unlawfully executed, or to make such alterations as may, in the opinion of the *commissioner*, be necessary to bring the work into conformity with the Act, rules, by-laws, direction or requisition as aforesaid, or with the plans or particulars on which such permission or order was based, *and may also direct that until the said order is complied with the owner or builder shall refrain from proceeding with the building or well.*

(2) The *commissioner* shall serve a copy of the provisional order made under sub-section (1) on the owner of the building *or well* together with a notice requiring him to show cause within a reasonable time to be named in such notice why the order should not be confirmed.

(3) If the owner fails to show cause to the satisfaction of the *commissioner*, the *commissioner* may confirm the order, *with any modification he may think fit to make.*

Exemptions.

257. Any building constructed and used, or intended to be constructed and used, exclusively for the purpose of a plant-house, **meter-house,** summer-house (not being a dwelling-house), poultry-house or aviary, shall be exempted from the provisions of this chapter other than section **233,** provided the building be wholly detached from, and situated at a distance of at least ten feet from the nearest adjacent building. **Exemptions.** [274]

CHAPTER XI.—NUISANCES.

Dangerous **buildings**, *trees and places.*

258. (1) *If any* **building** *be deemed by the commissioner to be in a ruinous state* **or** *dangerous to passers-by or to the occupiers of neighbouring structures the commissioner may by notice require the owner or occupier to fence off, take down, secure or repair such* **building** *so as to prevent any danger therefrom.* Precautions in case of dangerous **buildings.** [275]

(2) *If immediate action is necessary the commissioner* **may** *himself before giving such notice or before the period of notice expires fence off, take down, secure or repair such* **building** *or fence off a part of any street or take such temporary measures as he thinks fit to prevent danger and the cost of doing so shall be recoverable from the owner or occupier in the manner provided in section* **387.**

(3) *If in the commissioner's opinion the said* **building** *is imminently dangerous to the inmates thereof, the commissioner shall order the immediate evacuation thereof and any person disobeying may be removed by any police officer.*

259. (1) *If any tree or any branch of a tree or the fruit of any tree be deemed by the commissioner to be likely to fall and thereby to endanger any person* **using a public or private street** *the commissioner may by notice require the owner of the said tree to secure, lop or cut down the said tree so as to prevent any danger therefrom.* Precautions in case of dangerous trees. [276]

(2) *If immediate action is necessary the commissioner* **may** *himself before giving such notice or before the period of notice expires secure, lop or cut down the said tree or remove the fruit thereof or fence off a part of any street or take such temporary measures as he thinks fit to prevent danger, and the cost of so doing shall be recoverable from the owner of the tree in the manner provided in section* **387.**

260. (1) If any tank, pond, well, hole, *stream, dam, bank,* or other place *be deemed by the commissioner to be* for want of sufficient repair, protection or enclosure dangerous to the *passers-by,* or to persons living in the neighbourhood, the *commissioner* may by notice require the owner to fill in, *remove,* repair, protect or enclose *the same so as to prevent any danger therefrom.* Precautions in case of dangerous tanks, wells, holes, etc. [277]

(2) *If immediate action is necessary* **the commissioner may himself** *before giving such notice or before the period of notice expires take such temporary measures as he thinks fit to prevent danger and the cost of doing so shall be recoverable from the owner in the manner provided in section* **387.**

261. (1) *The commissioner may by notice require the owner of any* **building,** *booth or tent partly or entirely composed of, or having any external roof, veranda, pandal or* Precautions against fire. [278]

wall partly or entirely composed of, cloth, grass, leaves, mats or other inflammable materials to remove or alter such building, *booth, tent, roof, veranda, pandal or wall, or may grant him permission to retain the same on such conditions as the commissioner may think necessary to prevent danger from fire.*

(2) *The commissioner may by notice require any person using* any place for the storage for private use of timber, firewood, or other combustible things to take special steps to guard against *danger from* fire.

(3) *Where the commissioner is of opinion that the means of egress from any building are insufficient to allow of safe exit in the event of fire, he may, with the sanction of the standing committee, by notice require the owner or occupier of the building to alter or re-construct any staircase in such manner or to provide such additional or emergency staircases as he may direct; and when any building, booth or tent is used for purposes of public entertainment he may require, subject to such sanction as aforesaid. that it shall be provided with an adequate number of clearly indicated exits so placed and maintained as readily to afford the audience ample means of safe egress, that the seating be so arranged as not to interfere with free access to the exits, and that the gangways, passages and staircases leading to the exits shall during the presence of the public be kept clear of obstructions.*

Control over waters, etc.

Prohibition of construction of wells, tanks, etc., without the commissioners' ermission. [279]

262. (1) *No new well, tank, pond, cistern, fountain, or the like shall be dug or constructed without the permission of the commissioner.*

(2) *The commissioner may grant permission, with or without conditions, or may refuse it.*

(3) *If any such work is begun or completed without such permission, the commissioner may either—*

(*a*) *by notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the commissioner shall direct or*

(*b*) *grant permission to retain such work, but such permission shall not exempt such owner from proceedings for contravening the provisions of sub-section* (1).

Power to stop dangerous quarrying. [280]

263. *If in the opinion of the commissioner, the working of any quarry, or the removal of stone, earth or other material from any place, is dangerous to persons residing in or having legal access to the neighbourhood thereof or creates or is likely to create a nuisance, the commissioner may, with the approval of the standing committee, by notice, require the owner* or person having control *of the said quarry or place to discontinue working the same or to discontinue removing stone, earth or other material from such place or to take such order with such quarry or place, as he shall deem necessary for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom.*

Power to order filling in of pools, etc., which are a nuisance and regulation of agriculture within city. [281]

264. (1) *If in the opinion of the commissioner*

(*a*) *any pool, ditch, tank, well, pond, bog, swamp, quarry-hole, drain, cess-pool, pit, watercourse, or any collection of water, or*

(*b*) *any land on which water may at any time accumulate*

is or is likely to become a breeding-place of mosquitoes or in any other respect a nuisance, the commissioner may, by notice require the owner or person having control *thereof to fill up, cover over, weed, stock with larvicidal fish,* treat with kerosene oil, *drain or drain off the same in such manner and with such materials as the commissioner shall direct, or to take such order with the same for removing or abating the nuisance as the commissioner shall direct.*

(2) *If* a person *on whom a requisition is made under sub-section* (1) *to fill up, cover over, or drain off a well, delivers to the commissioner, within the time fixed for compliance therewith, written objections to such requisition, the commissioner shall report such objections to the standing committee and shall make further inquiry into the case, and he shall not institute any prosecution under section* 391 *for failure to comply with such requisition except with the approval of the standing committee, but the commissioner may, nevertheless, if he deems the execution of the work called for by such requisition to be of urgent importance, proceed in accordance with section* 380 *and pending the standing committee's disposal of the question whether the said well shall be permanently filled up, covered over, or otherwise dealt with, may cause such well to be securely covered over so as to prevent the ingress of mosquitoes and in every such case the commissioner shall determine with the approval of the standing committee, whether the expenses of any work already done as aforesaid shall be paid by* the *owner or by the commissioner out of the municipal fund or shall be shared and, if so, in what proportions.*

(3) *On the report of the health officer, that the cultivation of any* **specified** *crop, or the use of any* **specified** *manure, or the irrigation of land in any place within the limits of the city is injurious to the public health, the council may, with the previous sanction of the Governor in Council, by public notice regulate or prohibit the cultivation, use of manure, or irrigation so reported to be injurious:*

Provided that when such cultivation, or irrigation has been practised during the five years preceding the date of such public notice with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested for any damage caused to them by **such** *prohibition.*

265. (1) If any private tank, well or other place, the water of which is used for drinking, is not maintained in a sanitary condition, the *commissioner* may by notice require the owner or person having control thereof to cleanse the same in such manner as *the commissioner may direct* and may also require the said owner or person to protect the same from pollution in such manner as may be provided in the notice. Power to order cleansing of insanitary private tank or well used for drinking. [282]

(2) If the water of any private tank, well, or other place which is used for drinking, is proved to the satisfaction of the *commissioner* to be unfit for that purpose, the *commissioner* may by notice require the owner or person having control thereof to—

(*a*) refrain from using or permitting the use of such water, or

(*b*) close *or fill up* such place or enclose *it with a substantial wall or fence.*

266. If it appears to the *commissioner* that any public well or receptacle of stagnant water is likely to be injurious to health or offensive to the neighbourhood, he shall cause the same to be cleansed, drained, or filled up. Duty of commissioner in respect of public well or receptacle of stagnant water. [283]

267. The *commissioner* may *regulate or* prohibit *the washing of animals, clothes or other things or* fishing in any river or estuary within the city *in the interests of the public health.* Prohibition against or regulation of washing animals or clothes or fishing in river or estuary. [284]

268. It shall not be lawful for any person to— Prohibition against contaminating water-supply. [285]

(*a*) bathe in any tank, reservoir, conduit, *fountain, well* or other place set apart by the corporation, *or* by the owner thereof, for drinking purposes;

(*b*) wash or cause any animal or *thing* to be washed in any such place;

(*c*) throw, put or cause to enter into the water in any such place, any animal, or thing **whereby the water may be fouled or corrupted** or

(*d*) cause or suffer to drain into or upon any such place, or cause or suffer anything to be brought thereinto or do anything, whereby the water may be fouled or corrupted.

Control over abandoned lands, untrimmed hedges, etc.

269. If any building or land, by reason of abandonment, disputed ownership or other cause remains untenanted and thereby becomes a resort of idle and disorderly persons or in the opinion of the *commissioner* becomes a nuisance, the *commissioner* may after due inquiry by notice require the owner or person claiming to be the owner to secure, enclose, clear or cleanse the same. Untenanted buildings or lands. [286]

270. The *commissioner* may by notice require the owner or occupier of any building or land which is in a filthy or unwholesome state, or overgrown with prickly-pear or other noxious vegetation to cleanse, clear or otherwise put the same in proper state within twenty-four hours or such longer period *and in such manner* as may be specified in the notice. Removal of filth or noxious vegetation. [287]

271. The *commissioner* may by notice require the owner or occupier of any building or land *near a public street* to— Fencing of buildings or lands and pruning of hedges and trees. [288]

(*a*) fence the same to the satisfaction of the *commissioner; or*

(*b*) trim or prune any hedges bordering on the *said* street so that they may not exceed such height from the level of the adjoining roadway as the *commissioner* may determine; *or*

(*c*) cut and trim any *hedges or* trees overhanging the *said* street and obstructing *it or the view of traffic* or causing *it* damage; *or*

(*d*) *lower an enclosing wall or fence which by reason of its height and situation obstructs the view of traffic so as to cause danger.*

Control over insanitary buildings.

Lime-washing and cleansing of buildings. [289]

272. The *commissioner* if it appears to him necessary for sanitary purposes so to do may by notice *require the owner or* occupier of any building to lime-wash or otherwise cleanse the building inside and outside in the manner and within a period to be specified in the order.

Further powers with reference to insanitary buildings. [290]

273. (1) Whenever the *commissioner* considers—

(*a*) that any building *or portion thereof* is, by reason of its having no plinth or having a plinth of insufficient height, or by reason of the want of proper drainage or ventilation or by reason of the impracticability of cleansing, attended with *danger* of disease to the occupiers thereof or to the inhabitants of the neighbourhood, or is for any reason likely to endanger the public health or safety, or

(*b*) that *a* block *or group* of buildings is, for any of the said reasons, or by reason of the manner in which the buildings are crowded together, attended with such risk as aforesaid,

he may *by* notice *require* the owners or occupiers *of such buildings or portions of buildings* or at his option, the owners of the land occupied by such buildings, or *portions of buildings*, to execute such works or to take such measures as he may deem necessary for the prevention of such *danger*.

(2) *No person shall be entitled to compensation for damages sustained by reason of any action taken under or in pursuance of this section save when a building is demolished in pursuance of an order made hereunder, or so far demolished as to require reconstruction, in which cases the corporation shall make reasonable compensation to the owner thereof.*

(3) *When any building is entirely demolished under this section and the demolition thereof adds to the value of other buildings in the immediate vicinity, the owners of such other buildings shall be bound to contribute towards the compensation payable to the owner of the first-named building in proportion to the increased value acquired by their own property.*

(4) *When any building is so far demolished under this section as to require reconstruction, allowance shall be made, in determining the compensation, for the benefit accruing to the premises from the improvement thereof.*

Buildings unfit for human habitation. [291]

274. (1) If any building, *or portion thereof*, intended for or used as a dwelling-place appears to the *commissioner* to be unfit for human habitation, he may apply to *the standing committee* to prohibit the further use of such **building** for such purpose; *and the standing committee may, after giving the owner and occupiers thereof a reasonable opportunity of showing cause why such order should not be made, make a prohibitory order as aforesaid.*

(2) When any such *prohibitory order* has been made, *the commissioner shall communicate the purport thereof to the owner and occupiers of the* **building** *and on expiry of such period as is specified in the notice, not being less than thirty days after the service of the notice*, no owner or occupier shall use or suffer *it* to be used for human habitation until the *commissioner* certifies in writing that the causes rendering it unfit for human habitation have been removed to his satisfaction, or *the standing committee* withdraws the prohibition.

(3) *When such prohibitory order has remained in operation for three months the commissioner shall report the case to the standing committee which shall thereupon consider whether the* **building** *should not be demolished. The standing committee shall give the owner not less than thirty days' notice of the time and place at which the question will be considered and the owner shall be entitled to be heard when the question is taken into consideration.*

(4) *If upon such consideration the standing committee is of opinion that the* **building** *has not been rendered fit for human habitation and that steps are not being taken with due diligence to render it so fit and that the continuance thereof is a nuisance or dangerous or injurious to the health of the public or to the inhabitants of the neighbourhood it shall record a decision to that effect, with the grounds of the decision, and the commissioner shall in pursuance of the said decision by notice require the owner to demolish the* **building**.

(5) *If the owner undertakes to execute forthwith the works necessary to render the* **building** *fit for human habitation and the commissioner considers that it can be so made fit, the commissioner may postpone the execution of the decision of the standing committee, for such time not exceeding six months, as he thinks sufficient for the purpose of giving the owner an opportunity of executing the necessary works.*

275. (1) If it appears to the *commissioner* that any dwelling-house or *other* building which is used as a dwelling-place, or any room in any such *dwelling*-house *or* building, is so overcrowded as to endanger the health of the inmates thereof, he may apply to a magistrate to abate such overcrowding; and the magistrate after such inquiry as he thinks fit to make, may, by written order, require the owner of the building or room, within a reasonable time, not exceeding four weeks, to be laid down in the said order, to abate such overcrowding by reducing the number of lodgers, tenants or other inmates of the building or room, or may pass such other order as he may deem just and proper. Abatement of overcrowding in dwelling-house or dwelling-place. [292]

(2) The standing committee may declare what amount of superficial and cubic space shall be deemed for the purposes of sub-section (1) to be necessary for each occupant of a building or room.

(3) If any building or room referred to in sub-section (1) has been sublet, the landlord of the lodgers, tenants or other actual inmates of the same shall, for the purposes of this section, be deemed to be the owner of the building or room.

(4) It shall be incumbent on every tenant, lodger, or other inmate of a building or room, to vacate on being required by the owner so to do in **obedience to** any requisition made under sub-section (1).

General.

276. (1) *When the commissioner takes down any* **building** *or part thereof or cuts down any tree or hedge or shrub or part thereof or removes any fruit in virtue of his powers under this chapter or under section* **380**, *the commissioner may sell the materials or things taken down or cut down or removed and shall in the case of sale apply the proceeds in or towards payment of the expenses incurred and* pay *any surplus accruing from such sale to the owner or other person entitled thereto on demand made within twelve months from the date of sale. If no such demand is made such surplus shall be forfeited to the corporation.* Power of commissioner to use or sell materials of dangerous **building** taken down, etc. [293]

(2) *If after reasonable inquiry it appears to the commissioner that there is no owner or occupier to whom notice can be given under any section in this chapter he may himself take such order with the property mentioned in such section as may appear to him to be necessary and may recover the expense incurred by selling such property (not being land), or any portion thereof.*

277. *No person shall be entitled save as provided in sections* **264** *and* **273** *to compensation for any damages sustained by reason of any action taken by* a *municipal authority in pursuance of* its *powers under this chapter.* Limitation of compensation. [294]

CHAPTER XII.—LICENCES AND FEES.

General Provision as to Licences.

278. *Nothing in this chapter shall be construed as requiring the Governor-General in Council or the Governor in Council to take out a licence in respect of any place in the occupation or under the control of the Government or in respect of any property belonging to the Government.* Exemption of Government from taking out licences. [295]

LODGING HOUSES.

279. No person shall without or otherwise than in conformity with a licence from the commissioner keep or use a place as a lodging house in any part of the city. Prohibition in respect of lodging houses.

Keeping of Animals.

280. No person shall— Prohibitions in respect of keeping and feeding animals. [296]

(*a*) without the permission of the *commissioner*, or otherwise than in conformity with the terms of such permission, keep *pigs* in any part of the city;

(*b*) keep any animal on his premises so as to be a nuisance or so as to be dangerous; or

(*c*) feed or permit to be fed *on filth* any animal, *which is kept for dairy purposes or may be used for food.*

281. If any *dogs not taxed under section* **116 or pigs** are found straying, the same may be summarily destroyed by any person authorized in that behalf in writing by the *commissioner*. Destruction of stray pigs and dogs. [297]

Licences for places in which animals are kept. [298]

282. (1) The owner or occupier of any stable, veterinary infirmary, stand, shed, yard *or other place* in which *quadrupeds* are kept *or taken in* for purposes of profit, shall, in the first month of every year, or, in the case of a place to be newly opened, within one month before the opening of such place, apply to the *commissioner* for a licence.

(2) The *commissioner* may, by an order and under such restrictions and regulations as he thinks fit, grant or refuse to grant such licence.

(3) *No person shall, without or otherwise than in conformity with a licence, use any place for any such purpose.*

General powers of control over stables, cattle-sheds and cow-houses. [299]

283. (1) All stables, cattle-sheds and cow-houses shall be under the survey and control of the *commissioner* as regards their site, construction, materials and dimensions.

(2) The *commissioner* may by notice require that any stable, cattle-shed or cow-house be altered, paved, drained, repaired, disinfected or kept in such a state as to admit of its being sufficiently cleaned, or be supplied with water, or be connected with a sewer, or be demolished.

(3) Every such notice shall be addressed to the owner or person having control of the stable, cattle-shed or cow-house.

(4) The expense of executing any work in pursuance of any such notice shall be borne by the owner.

Power to direct discontinuance of use of building as a stable, cattle-shed or cow-house. [300]

284. If any stable, cattle-shed or cow-house is not constructed or maintained in the manner *required* by or under this Act, the *commissioner* may by notice direct that the same shall no longer be used as a stable, cattle-shed or cow-house. Every such notice shall state the grounds on which it proceeds.

Provision of public cattle stands and sheds. [301]

285. (1) *The commissioner may construct or provide and maintain public cart-stands, cattle-sheds and cow-houses and may require the payment of such rents and fees, if any, for the use of the same as the standing committee may determine.*

(2) *The commissioner may farm out the collection of such rents and fees for any period not exceeding three years at a time on such terms and conditions as he may think fit.*

Removal of carcasses of dead animals. [302]

286. (1) The occupier of any premises in or on which any animal shall die or on which the carcass of any animal shall be found, and the person having the charge of any animal which dies in a street or in any open place, shall, within three hours after the death of such animal, or if the death occurs at night, within three hours after sunrise, either—

(*a*) remove the carcass of such animal to such receptacle, depot or place as may be appointed by the *commissioner* in that behalf, or

(*b*) report the death of the animal to an officer of the health department of the division of the city in which the death occurred, with a view to his causing the same to be removed.

(2) When any carcass is so removed by the health department, a fee for the removal, of such amount as shall be fixed by the *commissioner*, shall be paid by the owner of the animal or, if the owner is not known, by the occupier of the premises in or upon which, or by the person in whose charge the *animal* died.

Industries and Factories.

Purposes for which places may not be used without licence. [303]

287. (1) The owner or occupier of every place used for any purpose *specified in schedule VI* shall in the first month of every year or, in the case of a place to be newly opened, before *it is opened*, apply to the *commissioner* for a licence for the use of such place for *such* purpose.

(2) The *commissioner* may, by an order *and under such restrictions and regulations as he thinks fit*, grant or refuse to grant such licence.

(3) No person shall, without *or otherwise than in conformity* with such a licence, use any place for *such* purpose.

Prohibition against erection without permission of machinery which may cause nuisance. [304]

288. (1) No person shall, without the permission of the *commissioner*, erect anywhere any steam-boiler or machinery by the use of which smoke, *smell, noise, vibration, dust or floating particles of combustible or other matter* are produced or danger is likely to arise to the inhabitants of the neighbourhood.

(2) *The commissioner may refuse to give such permission if he is of opinion that such boiler or machinery in the proposed position is objectionable by reason of the*

density of the population in the neighbourhood or will be a nuisance to the inhabitants of the neighbourhood, or may grant such permission under such restrictions and regulations as he thinks fit.

(3) All chimneys in connexion with any steam-boiler *or machinery* erected within the city shall be of such height and dimensions as the *commissioner* may determine.

289. *The commissioner may at any time by general or special order prohibit—* Power to prohibit working of factory by night and using of rice-husk, etc., for fuel. [305]

(*a*) *the working between the hours of 9–30 p.m. and 5–30 a.m. of any machinery making a noise or causing vibration, if he is of opinion that such noise or vibration will disturb the sleep of the inhabitants of the neighbourhood; or*

(*b*) *the use of rice-husk or similar products as fuel in any furnace worked for any industrial purpose, if he is of opinion that a public nuisance is likely to be caused by such use;*

(c) the use or employment in any factory or other place of any steam whistle, steam-trumpet or buzzer.

Depots for Combustibles.

290. (1) The owner or occupier of any place for the sale or storage for other than domestic use of timber, firewood, charcoal, straw, coal, or any other combustible thing, shall in the first month of every year or, in the case of a place to be newly opened, within one month before the opening *thereof*, apply to the *commissioner* for a licence. Licence for depots of combustibles. [307]

(2) Every application for such licence shall contain a statement showing the boundaries and measurements of such place.

(3) The *commissioner* may, by an order and under such restrictions and regulations as he thinks fit, grant or refuse to grant such licence.

(4) *No person shall, without or otherwise than in conformity with a licence, use any place for any such purpose.*

Washing and Bathing.

291. The *council* shall set apart places for use by the public for bathing *purposes* and for washing animals. Provision of places for bathing and for washing animals. [308]

292. (1) The *commissioner* may construct or provide and maintain public wash-houses or places for the washing of clothes, and may require the payment of such rents and fees for the use of any such wash-house or place as the standing committee may determine. Provision of public wash-houses. [309]

(2) *The commissioner may farm out the collection of such rents and fees for any period not exceeding three years at a time on such terms and conditions as he may think fit.*

(3) If a sufficient number of public wash-houses or places be not maintained under sub-section (1), the *commissioner* may without making any charge therefor appoint suitable places for the exercise by washermen of their calling.

293. (1) The *commissioner* may by public notice prohibit the washing of clothes by washermen in the exercise of their calling, either within the city or outside the city within three miles of the boundary thereof, except at— Prohibition against washing by washermen at unauthorized places. [310]

(*a*) public wash-houses or places maintained or provided under section **292**; or

(*b*) such other places as he may appoint for the purpose.

(2) When any such prohibition has been made no person who is by calling a washerman shall, in contravention of such prohibition, wash clothes, except for himself or for personal and family service or for hire on and within the premises of the hirer, at any place within or without municipal limits other than a public wash-house or a place maintained or appointed under this Act:

Provided that this section shall apply only to clothes washed within or to be brought within the city.

Slaughter-houses.

294. (1) The *council* shall provide a sufficient number of places for use as municipal slaughter-houses and *the commissioner, with the approval of the standing committee*, may charge such rents and fees for *their* use as *he* may think fit. Provision of municipal slaughter-houses. [311]

(2) The *commissioner* may farm out the collection of such rents and fees for any period not exceeding *three years* at a time on such terms and conditions as *he* may *think* fit.

(3) Municipal slaughter-houses may be situated within or, with the sanction of the *Governor in Council*, without the city.

Licence for slaughter-houses. [312]

295. (1) The owner of any place in the city *which is used as a slaughter-house for the slaughtering of an animal or for the skinning or cutting up of any carcass or of* any place within three miles of the municipal limits which is used as a slaughter-house for the slaughtering of animals intended for food to be consumed within the city shall in the first month of every year or, in the case of a place to be newly opened, within one month before the opening *thereof*, apply to the *commissioner* for a licence.

(2) The *commissioner* may by an order, and subject to such restrictions and regulations as to supervision and inspection as he thinks fit, grant *or* refuse to grant such licence.

Slaughter of animals during festivals and ceremonies. [313]

296. The commissioner may allow any animal to be slaughtered in such places as he thinks fit on occasions of festivals and ceremonies or as a special measure.

Slaughter of animals for sale or food. [314]

297. No person shall slaughter within the city any cattle, *horse*, sheep, goat or pig for sale or food *or skin or cut up any carcass* without or *otherwise than in conformity with* a licence from the *commissioner* or dry or permit to be dried any skin in such a manner as to cause a nuisance.

Slaughter of animals for religious ceremony. [315]

298. The *commissioner* may authorize any person to slaughter without licence and without the payment of any fee any animal for the purpose of a religious ceremony.

The Milk Trade.

Regulation of milk trade. [316]

299. (1) *No person shall without or otherwise than in conformity with a licence from the commissioner—*

(a) carry on within the city the trade or business of a dealer in or importer or seller or hawker of milk or dairy produce;

(b) use any place in the city for the sale of milk or dairy produce.

(2) *Such licence may be refused or may be granted either unconditionally or upon conditions laid down by the commissioner which may extend to the construction, ventilation, conservancy, supervision and inspection of the premises, whether within or without municipal limits, where the cows from which the milk supply is derived are kept.*

Markets, Butchers' Shops, etc.

Public markets. [317]

300. All markets which are constructed, repaired or maintained out of the municipal fund shall be deemed to be public markets.

Powers of municipal authorities in respect of public markets. [318]

301. (1) The *council* may provide places for use as public markets.

(2) The *commissioner* with the approval of the standing committee may charge such rents and fees as he may think fit for the use of such markets, or the right to expose goods for sale therein and for the use of any shop, stall, pen, or *stand* therein and may, subject to the same approval, let on lease, or farm the stallages, rent and fees leviable therein as aforesaid, or any other portion thereof, for any period not exceeding one year at a time.

Commissioner's control over public markets. [319]

302. (1) No person shall, without *or otherwise than in conformity with a licence* from the *commissioner*, sell or expose for sale any animal or article within *any* public market.

(2) The *commissioner* may expel from *any public* market any person who or whose servant has been convicted of disobeying any regulation made under section **308** *or any by-law made under section* **349** at the time in force in such market and may prevent such person from carrying on by himself or his agent any trade or business in such market or occupying any shop, stall, or other place therein, and may determine any lease or tenure which such person may possess in any such shop, stall or place.

Establishment of private markets. [320]

303. (1) *The council shall determine whether the establishment* of new private markets for the sale of or for the purpose of exposing for sale animals intended for human food or any article of human food *shall be permitted in the city or any specified part of the city.*

(2) No person shall establish *any such* new private market except with the sanction of the *standing committee, which shall be guided in giving or refusing sanction by the resolutions of the council passed under sub-section* (1).

304. (1) No person shall without or otherwise than in conformity with an annual licence granted by the *commissioner* in this behalf *continue to* keep open a private market. *Application for the renewal of the licence shall be made* in the first month of every year. Licensing of private markets. [321]

(2) The *commissioner* may by an order, subject to such restrictions and regulations as he thinks fit,—

(*a*) grant or refuse to grant or renew such licence, or

(*b*) withhold the licence until the owner or occupier executes such works as may be specified in the order:

Provided that the *commissioner* shall not refuse or withhold such licence for any cause other than the failure of the owner or occupier thereof to comply with some provision of this Act or some regulation made under section **308** or some by-law made under section **349,** or without the approval of the *standing committee*.

(3) The *commissioner* shall cause a notice that the market has been so licensed to be affixed in English and in two vernacular languages in some conspicuous place at or near the entrance to every such market.

(4) The *commissioner*, if a licence has been refused or withheld as aforesaid, shall cause a notice of such refusal or withholding to be affixed in English and two vernacular languages to some conspicuous place at or near the entrance to the premises.

305. It shall not be lawful for any person to sell or expose for sale any animal or article in any unlicensed private market. Sale in unlicensed private market. [322]

306. The *commissioner* may by notice require the owner, occupier or farmer of any private market for the sale of any animal or article of food, to— Powers of commissioner in respect of private markets. [323]

(*a*) construct approaches, entrances, passages, gates, drains and cesspits for such market and provide *it* with latrines;

(*b*) roof and pave the whole or any portion of *it* or pave any portion of the floor with such material as will in the opinion of the *commissioner* secure imperviousness and ready cleansing;

(*c*) ventilate *it* properly and provide it with a supply of water;

(*d*) provide passages of sufficient width between the stalls; *and*

(*e*) keep *it* in a cleanly and proper state and remove all filth and rubbish therefrom.

307. (1) If any person, after notice given to him in that behalf by the *commissioner*, fails within the period and in the manner laid down in the said notice to carry out any of the works specified in section **306** the *commissioner* may, with the sanction of the standing committee, suspend the licence of the said person, or may refuse to grant him a licence until such works have been completed. Suspension or refusal of licence in default. [324]

(2) It shall not be lawful for any person to open or keep open any such market after such suspension or refusal.

308. The *commissioner* may, with the approval of the standing committee, make regulations, not inconsistent with any provision of this Act or of any by-law made under section **349,** Power of commissioner to make regulations for markets, bazaars, slaughter-houses, and places set apart for sacrifice of animals. [325]

(*a*) for preventing nuisances or obstruction in any market-building, market-place, bazaar or slaughter-house, or in the approaches thereto, or in any of the roads, paths or ways in any market or bazaar;

(*b*) fixing the days and the hours on and during which any market, bazaar or slaughter-house may be held or kept open for use;

(*c*) for keeping every market-building, market-place, bazaar, slaughter-house and place specified under section **296** in a cleanly and proper state, and for removing filth and rubbish therefrom;

(*d*) requiring that any market-building, market-place, bazaar, slaughter-house or place specified as aforesaid be properly ventilated and be provided with a sufficient supply of water;

(*e*) requiring that, in market-buildings, market-places and bazaars, passages be provided between the stalls of sufficient width for the convenient use of the public; and

(f) requiring that in market-buildings, market-places and bazaars separate areas be set apart for different classes of articles.

Butcher's, fishmonger's and poulterer's licence. [326]

309. No person shall, without, or otherwise than in *conformity* with a licence *from the commissioner* carry on the trade of a butcher, *fishmonger or poulterer* or use any place for the sale of flesh or fish intended for human food:

Provided that no licence shall be required for a place used for the selling or storing for sale of preserved flesh or fish contained in airtight and hermetically sealed receptacles.

Power to prohibit or regulate sale of articles in public streets. [327]

310. The *commissioner* may, with the sanction of the standing committee prohibit by public notice *or licence or regulate* the sale or exposure for sale, of any articles in or on any public street or part thereof.

Inspection of places for sale, etc.

Duty of commissioner to inspect. [328]

311. It shall be the duty of the *commissioner* to make provision for the constant and vigilant inspection of animals, carcasses, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, ghee, butter, oil, and any other articles exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or of preparation for sale.

Powers of commissioner for purposes of inspection. [329]

312. (1) *The commissioner or any person authorized by him in writing for the purpose may without notice enter any slaughter-house or any place where animals, poultry or fish intended for food* are *exposed for sale or where articles of food are being manufactured or exposed for sale at any time by day or night, when the slaughter, exposure for sale or manufacture is being carried on and inspect the same and any utensil or vessel used for manufacturing, preparing or containing any such article.*

(2) If the *commissioner or any person so authorized by him* has reason to believe that in any place any animal intended for human food is being slaughtered *or any carcass is being skinned or cut up or that any food is being manufactured, stored, prepared, packed, cleansed, kept or exposed for sale, or sold without, or otherwise than in conformity with a licence* he may enter any such place without notice, at any time by day or night for the purpose of satisfying himself whether any provision of law, by-laws or regulations *or any condition of a licence* is being contravened.

(3) No claim shall lie against the *commissioner or any person acting under his authority or the corporation* for any damage *or inconvenience* caused *by the exercise of powers under this section* or by the use of any force necessary for effecting any entry into any place under this section.

(4) *In any legal proceedings in respect of powers exercised under this section in which it is alleged that any animals, poultry, fish or articles of food were not kept, exposed, hawked about, manufactured, prepared, stored, packed, or cleansed for sale, or were not intended for human food, the burden of proof shall lie on the party so alleging.*

Preventing inspection by commissioner. [330]

313. *No person shall in any manner whatsoever* obstruct *the commissioner or person duly authorized by him* in the exercise of *his powers under the last preceding section.*

Power of commissioner to seize diseased animal, noxious food, etc. [331]

314. If *any* animal, *poultry or fish intended for food* appears to the *commissioner or to a person duly authorized by him*, to be diseased, *or any food appears to him to be noxious*, or if any vessel or utensil *used in manufacturing, preparing or containing* any article of food *appears to be* of such kind or in such state as to render the article *noxious*, he may seize *or* carry away *or secure* any such thing.

Explanation.—Meat subjected to the process of blowing shall be deemed to be *noxious.*

Removing or interfering with articles seized. [332]

315. *No person shall remove or in any way interfere with* anything *secured under the last preceding section.*

Power to destroy article seized. [333]

316. (1) When any animal, poultry, fish or other article of food is seized under section 314, it may, with the consent of the owner or person in whose possession it was found, be forthwith destroyed in such manner as to prevent its being used for human food or exposed for sale, *and* if the article is perishable, *without such consent.*

(2) *Any* expenses incurred in destroying any thing *under* sub-section (1), shall be paid by the *owner or* person in whose possession such thing was at the time of its seizure.

Production of articles, etc., seized before magistrate and powers of magistrate to deal with them. [334]

317. (1) *Articles of food*, animals, *poultry, fish*, utensils, or vessels, seized under section **314** *and* not destroyed under section **316** shall *as soon as possible* be *produced* before a magistrate.

(2) *Whether or not complaint is laid before the magistrate of any offence under the Indian Penal Code or under this Act*, if it appears to the magistrate on taking such evidence as he thinks necessary that any *such* animal, *poultry or fish* is diseased, or any such article is *noxious* or any such utensil or vessel is of such kind or in such state as is described in section **314** he *may* order the same,

(*a*) to be forfeited to the Corporation,

(*b*) to be destroyed at the charge of the owner or person in whose possession it was at the time of seizure, in such manner as to prevent the same being again exposed or hawked about for sale, or used for human food or for the manufacture or preparation of, or for containing, any such article as aforesaid.

Disposal of the dead.

Registration or closing of ownerless places for disposal of dead. [335]

318. If it appears to the *commissioner* that there is no owner or person having the control of any place *used for burying, burning, or otherwise disposing of the dead*, he shall assume such control and register such place, or may, with the sanction of the *council*, close *it*.

Licensing of places for disposal of dead. [336]

319. (1) No new place for the disposal of the dead, whether public or private, shall be opened, formed, *constructed*, or used unless a licence has been obtained from the *commissioner* on application.

(2) Such application for a licence shall be accompanied by *a* plan *of the place to be registered, showing the locality, boundaries and extent thereof, the name of the owner or person or community interested therein, the system of management, and such further particulars as the commissioner may require.*

(3) The *commissioner* may, with the sanction of the *council*,

(*a*) grant or refuse a licence, *or*

(*b*) postpone the grant of a licence until his objections *to the site* have been removed *or any particulars called for by him have been furnished.*

Provision of burial and burning grounds and crematoria within or without the city by the corporation. [337]

320. (1) *The council may, and shall if no sufficient provision exists*, provide places to be used as burial or burning grounds *or crematoria*, either within or without the limits of the city, *and may charge rents and fees for the use thereof.*

(2) If the corporation provide any such place without the limits of the city, all the provisions of this Act and all by-laws framed *under this Act* for the management of such places within the city shall apply to such place and all offences against such provisions or by-laws shall be cognizable by the presidency magistrates as if such place were within municipal limits.

Register of registered, licensed and provided places and prohibition of use of other places. [338]

321. (1) A book shall be kept at the municipal office in which the places registered, licensed *or provided* under *section* **318**, *section* **319** *or section* **320**, *and all such places registered, licensed, or provided before the commencement of this Act*, shall be recorded, and the plans of such places shall be filed in such office.

(2) Notice *that such place has been registered, licensed or provided as aforesaid* shall be affixed in English and in at least one vernacular language to some conspicuous place at or near the entrance to the burial or burning ground or other place as aforesaid.

(3) The *commissioner* shall annually publish a list of all places registered, licensed, *or provided* as aforesaid *or provided by the Government.*

(4) No person shall bury, burn or otherwise dispose of any corpse *except in a place which has been registered, licensed or provided as aforesaid.*

Report of burials and burnings. [339]

322. The person having control of a *place for disposing of the dead* shall give information *of every* burial, burning *or other disposal of a corpse at such place* to the officer, if any, appointed by the *commissioner* in that behalf.

Prohibition against making of vault or grave in place of worship. [340]

323. No person shall make a vault or grave, or cause any corpse to be buried within the walls of or underneath any place of public worship:

Provided that in the case of an existing vault, the *commissioner* may, subject to the general or special orders of the *Governor in Council*, authorize the burial in such vault of near relatives of the family to whom it belongs.

Prohibition against use of burial and burning grounds dangerous to health or overcrowded with graves. [341]

324. (1) If the *commissioner* is of opinion—

(*a*) that any registered or licensed *place for the disposal of the dead* is in such a state as to be dangerous to the health of persons living in the neighbourhood thereof, or

(*b*) that any burial-ground is overcrowded with graves,

and if in the case of a public burial or burning ground or other place as aforesaid another convenient place duly authorized for the disposal of the dead *exists or* has been provided for the persons who would ordinarily make use of such place,

he may, with the consent of the *council* and the previous sanction of the *Governor in Council*, give notice that it shall not be lawful after a period to be named in such notice, to bury, burn, or otherwise dispose of any corpse *at* such place.

(2) Every notice given under sub-section (1) shall be published and a translation thereof in at least one vernacular language shall be affixed to some part of such place.

(3) After the expiry of the period named in such notice it shall not be lawful to bury, burn, or otherwise dispose of a corpse at such place except with the permission of the *commissioner*.

Prohibition against burial or burning contrary to Act or by-laws. [342]

325. No person shall bury, burn or otherwise dispose of a corpse or part thereof in any place otherwise than in accordance with the provisions of this Act and of any by-laws made *under this Act*.

Grave-digger's licence. [343]

326. No person shall discharge the office of a grave-digger or other attendant at a public *place for the disposal of the dead* (*other than a place provided by the Government*) unless he has been licensed in that behalf by the *commissioner*.

CHAPTER XIII.—VITAL STATISTICS AND THE PREVENTION OF DISEASE.

Vital Statistics.

Compulsory registration of vital statistics. [344]

327. (1) *The corporation shall register all births and deaths occurring in the city.*

(2) *Such registration shall be made and enforced in the prescribed manner.*

Census. [345]

328. (1) At such time and in such manner as the *Governor in Council* may direct, an enumeration shall be made of *the population of the whole city or of any part thereof.*

(2) *Such enumerations shall be made and enforced in the prescribed manner.*

Dangerous Diseases.

Power to notify "dangerous disease." [346]

329. *The Governor in Council may, by notification, declare any epidemic, endemic or infectious disease (not already specified in sub-clause* (*a*) *of section* 3, *clause* (10)*) to be a " dangerous disease " for the purposes of this Act.*

Obligation of medical practitioner or owner or occupier to report dangerous disease. [347]

330. (1) If any medical practitioner becomes cognizant of the existence of any dangerous disease in any private or public dwelling in the city, he shall inform the *commissioner*, the health officer, *the medical registrar of the district*, or the sanitary inspector of the division, with the least practicable delay.

(2) The information shall be communicated in such form and with such details as the *commissioner* may require.

(3) *The commissioner may direct the compulsory notification by the owner or occupier of every house within the municipal limits, during such period and to such officer as the commissioner may prescribe, of all deaths from or occurrences of dangerous disease in his house.*

Explanation.—Sub-sections (1) *and* (2) shall apply to a hakim or a vaidyan.

Power of entry into suspected places. [348]

331. The *commissioner* may at any time by day or by night without notice, or after giving such notice as may appear to him reasonable, inspect any place in which any dangerous disease is reported or suspected to exist, and take such measures as he may think fit to prevent the spread of such disease.

Prevention of infection.

Provision of conveyances for carriage of patients. [349]

332. The *commissioner* may provide and maintain suitable conveyances for the free carriage of persons suffering from any dangerous disease :

Power to order removal of patients to hospital. [350]

333. (1) **If, in the case of any person in a hospital, it appears to the officer in charge of it that such person is suffering from a dangerous disease,**

or if, in the case of any other person, it appears to the health officer or assistant health officer that such person is suffering from a dangerous disease, and

(a) is without proper lodging or accommodation, or

(b) is lodged in a place occupied by more than one family, or

(c) is without medical supervision directed to prevent the spread of the disease,

and if such officer in charge, health officer or assistant health officer as the case may be, considers,

that such person should be removed to a hospital or other place at which patients suffering from such disease are received for medical treatment,

he may remove such person or cause him to be removed to the said hospital or place.

Provided that, if any such person is a female she shall not be removed to any such hospital or place unless the same has accommodation of a suitable kind set apart from the portions assigned to males.

(2) If any female, who, according to custom, does not appear in public, be removed to any hospital or place under sub-section (1),

(*a*) the removal **shall** be effected in such a way as to preserve her privacy;

(*b*) special accommodation suited to such custom **shall** be provided for her in such hospital or place ; **and**

(c) a female relative shall be allowed to remain with her.

(3) **Whoever obstructs the removal of a person under this section** shall be deemed to have committed an offence punishable under section 269 of the Indian Penal Code.

Disinfection of buildings and articles. [351]

334. (1) If the *commissioner* is of opinion that the cleansing or disinfecting of a building or of any part thereof, or of any article therein which is likely to retain infection, will tend to prevent or check the spread of any dangerous disease, he may by notice require the owner or occupier to cleanse or disinfect the same, in the manner and within the time *specified* in such notice.

(2) The owner or occupier shall within the time specified as aforesaid comply with the terms of the notice.

(3) If the *commissioner* considers that immediate action is necessary, or that the owner or occupier is, by reason of poverty or otherwise, unable effectually to comply with his requisition, the *commissioner* may himself *without notice* cause such building or article to be cleansed or disinfected, and for this purpose may cause such article to be removed from the building or premises; and the expenses incurred by the *commissioner* shall be recoverable from the said owner or occupier in cases in which such owner or occupier *is*, in the opinion of the *commissioner*, not unable by reason of poverty effectually to comply with such requisition.

Destruction of huts and sheds when necessary. [352]

335. (1) *If the commissioner is of opinion that the destruction of any hut or shed is necessary to prevent the spread of any dangerous disease, he may, after giving to the owner or occupier of such hut or shed such previous notice of his intention as may in the circumstances of the case appear to him reasonable, take measures for having such hut or shed and all the materials thereof destroyed.*

(2) *Compensation shall be paid by the commissioner to any person who sustains substantial loss by the destruction of any such hut or shed; but, except as so allowed by the commissioner, no claim for compensation shall lie for any loss or damage caused by any exercise of the power conferred by this section.*

Provision of places for disinfection and power to destroy infected articles. [353]

336. (1) The *commissioner* may—

(*a*) provide proper places with all necessary attendants and apparatus for the disinfection of conveyances, clothing, bedding, or other articles which have been exposed to infection, and

(*b*) cause conveyances, clothing, **bedding** or other articles brought for disinfection to be disinfected free of charge or subject to such charges as may be approved by the standing committee.

(2) The *commissioner* may notify places at which conveyances, clothing, bedding or other articles which have been exposed to infection shall be washed and no person shall wash any such article at any place not so notified.

(3) The *commissioner* may direct any clothing, bedding or other articles likely to retain infection to be disinfected or destroyed, and may give compensation for any article destroyed under this sub-section.

Prohibition against transfer of infected articles. [354]

337. No person shall, without previously disinfecting *it*, give, lend, let, hire, sell, transmit, or otherwise dispose of any article which he knows or has reason to know has been exposed to infection from any dangerous disease:

Provided that nothing in this section shall apply to a person who transmits with proper precautions any article for the purpose of having it disinfected.

Prohibition against diseased person entering public conveyance. [356]

338. (1) No person who is suffering from any dangerous disease shall enter a public conveyance without previously notifying to the owner or driver or person in charge of such conveyance that he is so suffering.

(2) No owner or driver or person in charge of a public conveyance shall be bound to convey any person suffering as aforesaid, unless and until the said person pays or tenders a sum sufficient to cover any loss and costs that may be incurred in disinfecting such conveyance.

(3) *A court convicting any person of contravening sub-section* (1) *may levy in addition to the penalty for the offence provided in this Act such amount as the court deems sufficient to cover the loss and costs which the owner or driver must incur for the purpose of disinfecting the conveyance; the amount so imposed shall be awarded by the court to the owner or driver of the conveyance:*

Provided that in a case which is subject to appeal, such *amount shall not be paid to the owner or driver before the period allowed for presenting the appeal has elapsed; or if an appeal is presented, before the decision of the appeal.*

(4) *At the time of awarding compensation in any subsequent civil suit relating to the same matter, the court shall take into account any sum which the plaintiff shall have received under this section.*

Disinfection of public conveyance after carriage of patients. [357]

339. (1) **The owner, driver or person in charge of any public conveyance in which any person suffering from a dangerous disease has been carried shall forthwith disinfect the conveyance or cause it to be disinfected.**

(2) No such conveyance shall be used until the health officer **or some person authorized by him in this behalf** has granted a certificate stating that it may be used without causing risk of infection.

Letting of infected buildings. [358]

340. (1) No person shall let or sublet or for that purpose allow any person to enter a building or any part of a building in which he knows or has reason to know that a person has been suffering from a dangerous disease until the health officer has **granted a certificate that such building may be re-occupied.**

(2) For the purposes of sub-section (1), the keeper of a hotel, lodging-house **or emigration depot** shall be deemed to let the same *or part of the same* to any person accommodated therein.

Power to order closure of places of public entertainment.

341. In the event of the prevalence of any dangerous disease within the city, the commissioner may, with the sanction of the standing committee, by notice require the owner or occupier of any building, booth or tent used for purposes of public entertainment to close the same for such period as may be fixed by the standing committee.

Minor suffering from dangerous disease not to attend school. [359]

342. *No person being the parent or having the care or charge of a minor who is or has been suffering from a dangerous disease or has been exposed to infection therefrom shall, after a notice from the health officer that the minor is not to be sent to school or college, permit such minor to attend school or college without having procured from the health officer a certificate (which shall be granted free of charge on application) that in his opinion such minor may attend without undue risk of communicating such disease to others.*

Provision as to library books. [360]

343. (1) *If any person knows that he is suffering from an infectious disease he shall not take any book or use or cause any book to be taken for his use from or in any public or circulating library.*

(2) *A person shall not permit any book which has been taken from a public or circulating library, and is under his control, to be used by any person whom he knows to be suffering from an infectious disease.*

(3) *A person shall not return to any public or circulating library any book which he knows to have been exposed to infection from any infectious disease, or permit any such book which is under his control to be so returned but shall give notice to the commissioner that the book has been so exposed to infection, and the commissioner shall cause the book to be disinfected and returned to the library, or to be destroyed.*

(4) *The commissioner shall pay to the proprietor of the library from which the book is procured the value of any book destroyed under the power given by this section.*

Explanation.—For the purposes of this section the commissioner shall from time to time notifiy what diseases are to be deemed infectious.

Smallpox.

344. *The corporation shall enforce vaccination throughout the city in the prescribed manner.* Compulsory vaccination. [361]

345. *Where an inmate of any dwelling place within the city is suffering from smallpox the head of the family to which the inmate belongs and, in his default, the occupier or person in charge of such place, shall inform the commissioner, the health officer, the medical registrar of the district, or the sanitary inspector of the division, with the least practicable delay.* Obligation to give information of smallpox. [362]

346. (1) *Inoculation for smallpox is prohibited.*

(2) *No person who has undergone the operation of inoculation shall enter the city before the lapse of forty days from the date of inoculation without a certificate from a medical practitioner of such class as the council may authorize to grant such certificates stating that such person is no longer likely to produce smallpox by contact or near approach.* Prohibition of inoculation for smallpox. [363]

PART V.

SUBSIDIARY LEGISLATION AND PENALTIES.

CHAPTER XIV.—RULES, BY-LAWS AND REGULATIONS.

Rules and Schedules.

347. (1) The Governor in Council may make rules to carry out all or any of the purposes of this Act not inconsistent therewith. Power of Governor in Council to make rules. [364]

(2) In particular and without prejudice to the generality of the foregoing power such rules may

(a) provide for all matters expressly required or allowed by this Act to be prescribed;

(b) provide for all matters relating to elections or appointments of councillors not expressly provided for;

(c) prescribe the forms of all registers and returns, the manner in which such registers shall be maintained, the dates on which the returns shall be made and the officers to whom they shall be sent;

(d) prescribe the form of warrant under rule 22 and the form of notice of sale under rule 24 of schedule IV.

(3) *The Governor in Council* may make rules altering, adding to, or cancelling any part of Schedule *III*, or Schedule **VI or parts II to IV of** Schedule *V.*

(4) All references made in this Act to any of the aforesaid schedules shall be construed as referring to such schedules as for the time being amended in exercise of the powers conferred by sub-section **(3)**.

(5) *In making any rule the Governor in Council may provide that a breach thereof shall be punishable with a fine which may extend to one hundred rupees.*

348. The power to make rules under section **347** *and the power to issue notifications under section* **45** are subject to the following conditions:— Making of rules after previous publication. [365]

(*a*) A draft of the rules or notification shall be published in the *Fort St. George Gazette* and forwarded to the *council* for **its** opinion.

(*b*) Such draft shall not be further proceeded with until six weeks after such publication or until such later date as the *Governor in Council* may appoint.

(c) All rules made under section 347 shall be published in the Fort St. George Gazette and upon such publication shall have effect as if enacted in this Act.

By-laws.

Power of council to make by-laws [366]

349. The *council* may make by-laws, not inconsistent with this Act or with any other law to provide—

(1) *for* the due performance by all municipal officers and servants of the duties assigned to them;

(2) *for* the regulation of the time and mode of collecting the taxes, *duties* and tolls under this Act;

(3) (a) for the use of public tanks, wells, conduits and other places or works for water-supply;

(b) for the regulation of public bathing, washing and the like;

(c) for the maintenance and protection of the water-supply system, and the protection of the water-supply from contamination;

(d) for the conditions on which house-connexions with the corporation's water-supply mains may be made; *for their alteration and repair and for their being kept in proper order;*

(e) *for supply of water for domestic consumption and use;*

(f) for the prevention of waste of water;

(g) for the measurement of water;

(h) for the compulsory provision of cisterns and meters;

(i) for the supply of water in case of fire;

(4) for the maintenance and protection of the lighting system;

(5) (a) for the maintenance and protection of the drainage system;

(b) *for the construction of house drains,* **and for regulating their situation, mode of construction and materials;**

(c) for the alteration and repair of house drains;

(d) for the cleansing of house drains;

(e) for the construction of closed cess-pools and drains;

(f) for the payment or apportionment of money payable on account of pipes or drains common to more premises than one;

(6) for the cleansing of latrines, earth-closets, ash-pits and cess-pools, and the keeping of latrines supplied with sufficient water for flushing;

(7) (a) for the testing of water pipes and drains in private premises, the recovery or the apportionment of the cost of such testing, and the breaking up of ground or of buildings for the purpose of such testing;

(b) for the licensing of plumbers, and fitters, and for the compulsory employment of licensed plumbers and fitters;

(8) (a) for the laying out of streets, and for determining the information and plans to be submitted with applications for permission to lay out streets; *and for regulating the level and width of public streets and the height of buildings abutting thereon;*

(b) for the regulation of the use of public streets, and the closing thereof or parts thereof;

(c) for the regulation of traffic in public streets, or their reservation for particular kinds of traffic;

(d) for the protection of avenues, trees, grass and other appurtenances of public streets and other places;

(9) for the regulation of the use of parks, gardens and other public or municipal places;

(10) (a) for the regulation of building;

(b) for determining the information and plans to be submitted with applications to build

(c) For the licensing of builders and surveyors and for the compulsory employment of licensed builders and surveyors;

(11) for the regulation of hotels, lodging houses, boarding houses, choultries, rest-houses, emigration depots, restaurants, eating houses, cafes, refreshment rooms, coffee houses, and any premises to which the public are admitted for repose or for the consumption of any food or drink;

(12) for regulating the mode of constructing stables, cattle sheds and cow-houses and connecting them with municipal drains;

(13) for the sanitary control and supervision of places used for any of the purposes specified in schedule VI and of any trade or manufacture carried on therein;

(14) (a) for the control and supervision of slaughter-houses and of places used for skinning and cutting up carcasses;

(b) for the control and supervision of the methods of slaughtering;

(c) for the control and supervision of butchers carrying on business in the city or at any slaughter-house without the city provided or licensed by the corporation;

(15) for the inspection of milch-cattle, and the regulation of the ventilation, lighting, cleaning, drainage and water-supply of dairies and cattle-sheds in the occupation of persons following the trade of dairy-man or milk-seller;

(16) for enforcing the cleanliness of milk-stores and milk-shops and vessels and utensils used by the keepers thereof or by hawkers for containing or measuring milk or preparing any milk product;

(17) for requiring notice to be given whenever any milch-animal is affected with any contagious disease and prescribing the precautions to be taken in order to protect milch-cattle and milk against infection and contamination;

(18) (a) for the inspection of public and private markets and shops and other places therein;

(b) for the regulation of their use and the control of their sanitary condition;

(19) for prescribing the method of sale of articles whether by measure, weight, tale or piece;

(20) for prescribing and providing standard weights, scales and measures and preventing the use of any others;

(21) for the prevention of the sale or exposure for sale of unwholesome meat, fish or provisions and securing the efficient inspection and sanitary regulation of shops in which articles intended for human food are kept or sold;

(22) (a) for the regulation of burial and burning grounds and other places for the disposal of corpses;

(b) for the levy of fees for the use of such burial and burning grounds, and crematoria as are maintained by the corporation;

(c) for the verification of deaths and the causes of death;

(d) for the period for which corpses must be kept for inspection;

(e) for the period within which corpses must be conveyed to a burial or burning ground, and the mode of conveyance of corpses through public places;

(23) for the registration of births, deaths and marriages;

(24) for the enumeration of the inhabitants of the city;

(25) for the prevention of dangerous diseases of men or animals;

(26) for the enforcement of compulsory vaccination;

(27) for the prevention of outbreaks of fire;

(28) for the prohibition and regulation of advertisements in public streets or parks;

(29) in general for securing cleanliness, safety and order and the good government and well-being of the city and for carrying out all the purposes of this Act.

350. *By-laws with regard to the drainage of, and supply of water to, buildings and water-closets, earth-closets, privies, ash-pits and cess-pools in connexion with buildings and the keeping of water-closets supplied with sufficient water for flushing may be made so as to affect buildings erected before the passing of the by-laws or of this Act.* Power to give retrospective effect to certain by-laws.

Penalty for breaches of by-laws. [369]

351. In making *any* by-law under *sections* **349** *and* **350** the *council* may provide that a breach *thereof* shall be punishable—

(*a*) with fine which may extend to *fifty* rupees, and in case of a continuing breach with fine which may extend to *fifteen rupees* for every day during which the breach continues after conviction for the first breach, or

(*b*) with fine which may extend to *ten rupees* for every day during which the breach continues after receipt of notice from the *commissioner* to discontinue such breach.

Confirmation of by-laws by Local Government. [370]

352. No by-law made by the *council* under this Act shall have any validity unless and until it is sanctioned by the *Governor in Council.*

Conditions precedent to making of by-laws. [371]

353. The power to make by-laws under this Act is subject to the conditions—

(*a*) that a draft of the by-laws is published in the *Fort St. George Gazette* and in the local newspapers;

(*b*) that *the* draft shall not be further proceeded with until after the expiration of a period of one month from the publication thereof or of such longer period as the *council* may appoint;

(*c*) that for at least one month during such period a printed copy *of the* draft shall be kept at the municipal office for public inspection and all persons permitted to peruse the same at any reasonable time free of charge; *and*

(*d*) that printed copies *of the* draft *shall be sold* to any person requiring *them*, on payment of such *price*, as the *commissioner* may fix.

Publication of Rules, By-laws and Regulations.

Publication of by-laws or rules. [372]

354. (1) When any rule or by-law has been made under this Act, it shall be published in the *Fort St. George Gazette* in English and in the Tamil, Telugu and Hindustani languages.

(2) The *commissioner* shall cause all rules *and* by-laws in force to be printed in the said languages, and shall cause printed copies thereof to be *sold* to any applicant on **payment of a fixed price.**

(3) The *commissioner* shall from time to time *advertise in the* local newspapers *that* copies of rules and by-laws are for sale and specify the place where and the person from whom *and the price at which they* are obtainable.

(4) The *commissioner* shall publish *lists of offences and fines under this Act and the rules and by-laws made under it, and shall cause printed copies thereof to be sold to any applicant on payment* **of a fixed price.**

Publication of regulations. [373]

355. *Regulations made under this Act shall be published in such manner as the council may determine.*

Exhibition of by-laws, rules and regulations. [374]

356. (1) *Printed copies of by-laws under section* **349,** *clauses* **(8) (b) (c) (d) and (9)** *shall be affixed at the entrances to, or elsewhere in the street, park or other place affected thereby in such conspicuous manner as the commissioner may deem best calculated to give information to the persons using such place.*

(2) *Printed copies of other by-laws and of the rules and regulations shall be* hung up in some conspicuous part of the municipal office. The *commissioner shall also keep affixed in a like manner in* places of public resort, markets, slaughter-houses and other places affected thereby *copies of such portions of the rules, by-laws and regulations as may relate to those places.*

(3) No municipal officer or servant shall prevent any person from inspecting at any reasonable time *copies so exhibited.*

(4) No person shall, without lawful authority, destroy, pull down, injure, or deface *any copies exhibited as above or any* board *to which the copies have been affixed.*

CHAPTER XV.—PENALTIES.

General provisions regarding penalties specified in the schedules. [375]

357. (1) Whoever—

(*a*) contravenes any provision of any of the sections *or rules* of this Act specified in the first column of schedule *VII*; or

(*b*) contravenes any rule or order made under any of the said sections *or rules*; or

(c) fails to comply with any direction lawfully given to him or any requisition lawfully made upon him under *or in pursuance of* the provisions of any of the said sections, *or* rules;
shall on conviction be punished with fine which may extend to the amount mentioned in that behalf in the third column of the said schedule.

(2) Whoever after having been convicted of—

(a) contravening any provision of any of the sections *or rules* of this Act specified in the first column of schedule *VIII*; or

(b) contravening any rule or order made under any of the **said** sections *or rules*; or

(c) failing to comply with any direction lawfully given to him or any requisition lawfully made upon him under *or in pursuance of* any of the said sections, *or* rules;
continues to contravene the said provision or to neglect to comply with the said direction or requisition, as the case may be, shall on conviction be punished, for each day after the *previous date of conviction* during which he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the third column of the said schedule.

Explanation.—The entries in the second columns of *schedules VII and VIII* headed "subject" are not intended as definitions of the offences described in the sections, sub-sections, clauses *or rules* mentioned in the first column or even as abstracts of those sections, sub-sections, clauses *or rules*, but are inserted merely as references to the subject of the sections, sub-sections, clauses or *rules* as the case may be.

358. *If a councillor votes in contravention of section* **34**, *or acts as councillor when disqualified under section* **53**, *he shall, on conviction, be punished with fine not exceeding two hundred rupees for every such offence.* Penalty for voting when pecuniarily interested and acting as councillor when disqualified. [376]

359. If the *commissioner* or any municipal officer or servant knowingly acquires, directly or indirectly, by himself or by a partner or *employee* or servant, any personal share or interest in any contract or employment with, by, or on behalf of the corporation, he shall be deemed to have committed the offence punishable under section 168 of the Indian Penal Code: *provided that no person shall by reason of being a share-holder in, or member of, any company, be held to be interested in any contract between such company and the corporation unless he is a director of such company.* Penalty for acquisition by municipal officer of interest in contract or work. [377]

360. (1) Every owner or person in charge of any vehicle or animal liable to tax under section **116** who omits to obtain, **within 15 days of the service of a bill on him,** a licence under section **121** shall, on conviction, be punished with fine not exceeding fifty rupees and shall also pay the amount of the tax payable by him in respect of such vehicle or animal. Penalty for omission to take out licence for vehicle or animal. [378]

(2) On payment of such fine and tax and of such costs as may be awarded, such owner or person shall receive a licence for the vehicle or animal in respect of which he has been fined and for the period during which he has been found to be in default.

(3) The provisions of this section shall apply to any person who, having compounded for the payment of a certain sum under section **119**, fails to pay such sum and the amount due for a licence shall in such case be taken as the amount so compounded for.

361. Any person who wilfully prevents distraint or sufficient distraint of property subject to distraint for any tax, due from him, shall on conviction by a magistrate be liable to a fine not exceeding twice the amount of the tax, found to be due. Penalty for wilfully preventing distraint.

362. If the construction or re-construction of any building *or well*— Penalty for unlawful building. [379]

(a) is commenced without the permission of the commissioner, or

(b) is carried on or completed otherwise than in accordance with the particulars on which such permission was based, or

(c) is carried on or completed in contravention of any lawful order or in breach of any provision contained in this Act or in any rule or by-law made under it, or of any direction or requisition lawfully given or made, or

if any alterations or additions required by any notice issued under section **244** or *section* **255** are not duly made, or

if any person to whom a direction is given by the *commissioner* to alter or demolish a building *or well* under *section* **256** fails to obey such direction,

the owner of the building *or well* or the said person, as the case may be, shall be liable on conviction to a fine which may extend in the case of a *well or* hut to fifty rupees **and in the case of any other building to five hundred rupees,** and to a further fine which may extend in the case of a *well or* hut to ten rupees, **and in** the case of **any other** building to one hundred rupees, for each day during which the offence is proved to have continued after the first day.

Notice to scavengers before discharge. [380]

363. (1) In the absence of a written contract to the contrary, every scavenger employed by the corporation shall be entitled to one month's notice before discharge or to one month's wages in lieu thereof, unless he is discharged for misconduct or was engaged for a specified term and discharged at the end of it.

Penalty for withdrawal of scavengers without notice.

(2) Should any scavenger employed by the corporation, in the absence of a written contract authorizing him so to do, and without reasonable cause, resign his employment or absent himself from his duties without giving one month's notice to the corporation, or neglect or refuse to perform his duties, or any of them, he shall be liable on conviction to a fine not exceeding fifty rupees or to imprisonment *of either description* which may extend to two months.

Application of sub-sections (1) and (2) to other municipal servants.

(3) The Governor in Council may by notification direct that on and from a date to be specified in the notification, the provisions of sub-sections (1) and (2) with respect to scavengers shall apply also to any other specified class of municipal servants whose functions concern the public health or safety.

Wrongful restraint of commissioner and his delegates. [381]

364. *Every person who prevents the commissioner, or any person to whom* **the** *commissioner has lawfully delegated his power from exercising his power of entering* **on any land or into any building** *shall be deemed to have committed an offence under section 341 of the Indian Penal Code.*

PART VI.

CHAPTER XVI.—PROCEDURE AND MISCELLANEOUS.

Licences and Permissions.

General provisions regarding licences, registrations and permissions. [382]

365. (1) Every licence **or** permission granted under this Act or any rule or by-law made *under it* shall specify the period, *if any*, for which and *the* restrictions, *limitations* and conditions subject to which the same is granted, and shall be signed by the *commissioner.*

(2) For every such licence or permission *fees* may be charged at such rate as may be *sanctioned* by the *council.*

(3) *Every order of the commissioner refusing to grant a licence* **or permission** *shall state the grounds on which it proceeds.*

(4) Subject to the *special* provisions *regarding building in chapter X and private markets* **in chapter XII,** *and subject to such sanction as may be required for the refusal of a licence or permission, and to such appeal as may be provided in case of refusal,* any licence or permission granted under this Act or any rule or by-law made *under it* may at any time be suspended or revoked by the *commissioner*, if any, of its restrictions, *limitations* or conditions is evaded or infringed by the grantee, or if the grantee is convicted of a breach of any of the provisions of this Act or of any rule, by-law *or regulation* made *under it* in any matter to which such licence or permission relates, *or if the grantee has obtained the same by misrepresentation or fraud.*

(5) *It shall be the duty of the commissioner to inspect places in respect of which a licence or permission is required by or under this Act, and he may enter any such place between sunrise and sunset, and also between sunset and sunrise if it is open to the public or any industry is being carried on in it at the time; and if he has reason to believe that anything is being done in any place without a licence or permission, where the same is required by or under this Act, or otherwise than in conformity with the*

same, he may at any time by day or night without notice enter such place for the purpose of satisfying himself whether any provision of law, rules, by-laws, regulations, any condition of a licence **or permission** *or any lawful direction is being contravened and no claim shall lie against any person for any damage or inconvenience caused by the exercise of powers under this sub-section by the commissioner or any person to whom he has lawfully delegated his powers or by* **the use of** *any force necessary for effecting an entrance under this sub-section.*

(6) When any licence or permission is suspended or revoked, or when the period for which *it* was granted *or within which application for renewal should be made* has expired, *whichever expires later*, the grantee shall for all purposes of this Act, or any rule or by-law made *under it* be deemed to be without a licence or permission until the *commissioner's* order suspending or revoking the licence or permission is cancelled by him, or *subject to sub-section* **(10)**, until the licence or permission is renewed, as the case may be.

(7) Every grantee of any licence or permission shall, at all reasonable times, while such licence or permission remains in force, produce the same at the request of the *commissioner.*

(8) Whenever any person is convicted of an offence in respect of the failure to obtain a licence or permission or registration required by *the provisions of this Act, or by any rule or by-law made under this Act*, the magistrate shall in addition to any fine which may be imposed recover summarily *and pay over to the corporation* the amount of the fee chargeable for the licence *or* permission or *for* registration.

(9) Such recovery *of the fee under sub-section* **(8)** shall not entitle the person convicted to a licence *or* permission or *to* registration as aforesaid.

(10) *The acceptance by the corporation of the pre-payment of the fee for a licence or permission or for registration shall not entitle the person making such pre-payment to the licence or permission or to registration, as the case may be, but only to refund of the fee in case of refusal of the licence or permission or of registration; but an applicant for the renewal of a licence or permission or registration shall until communication of orders on his application be entitled to act as if the licence or permission or registration had been renewed; and, save as otherwise specially provided in this Act, if orders on an application for a licence or permission or for registration are not communicated to the applicant within forty-five days after the receipt of the application by the commissioner, the application shall be deemed to have been allowed for the year or for such less period as is mentioned in the application and subject to the law, rules, by-laws, regulations and all conditions ordinarily imposed.*

Appeals.

366. (1) An appeal shall lie to the standing committee from— Appeals from commissioner to standing committee. [383]

(*a*) any notice issued or other action taken or proposed to be taken by the *commissioner*—

(*i*) under sections **178, 186, 187, 188, 190, 244, 256** (*3*), **258** (*1*), **259** (*1*), **264** (*1*), **265, 266, 273, 282, 283, 284, 288** *and* **289.**

(*ii*) under any by-law *concerning house-drainage or the connexion of house-drains with municipal drains, or house-connexions with municipal water-supply or lighting mains;*

(*b*) *any refusal by the commissioner to approve a building site under section* **237**, *to grant permission to construct or reconstruct a building under section* **238 or 250.**

(*c*) any refusal by the *commissioner* to grant a permission under *sections* **181, 262 or 288** (*2*), *or*

(*d*) any refusal by the *commissioner* to grant a licence under sections **282, 287, 290, 295, 299 or 304** (*2*); or

(*e*) any order of the *commissioner* made under *section* **365,** sub-section **(4),** suspending or revoking a licence.

(f) any other order of the commissioner that may be made appealable by rules under section 347.

(2) The decision of the standing committee on any such appeal shall be final.

367. In any case in which no time is *laid down in* the foregoing provisions of this Act for the presentation of an appeal allowed thereunder, such appeal must be presented within thirty days after the date of the order or proceeding against which the appeal is made. Limitation of time for appeal. [384]

Commissioner's power to summon.

Summons to attend and give evidence or produce documents. [385]

368. The *commissioner* may summon any person to attend before him, and to give evidence or produce documents, as the case may be, in respect of any question relating to taxation, or inspection, or registration, or to the grant of any licence, **or permission** under the provisions of this Act.

Procedure.

Form of notices and permissions. [386]

369. All notices and permissions given, issued, or granted, as the case may be, under the provisions of this Act must be in writing.

Proof of consent of municipal authorities or municipal officer. [387]

370. Whenever under this Act or any rule, by-law or regulation made *under it* the doing or the omitting to do anything or the validity of anything depends upon the approval, sanction, consent, concurrence, declaration, opinion or satisfaction of—

(*a*) the *council*, a standing committee, or the *commissioner*, or

(*b*) any municipal officer,

a written document signed in case (*a*) by the *commissioner*, and in case (*b*) by the said municipal officer, purporting to convey or set forth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction, shall be sufficient evidence *thereof*.

Signature on documents. [388]

371. (1) Every licence, permission, notice, bill, schedule, summons, or other document which is required by this Act or by any rule, by-law or regulation made *under it* to bear the signature of the *commissioner* or of any municipal officer shall be deemed to be properly signed if it bears a facsimile of the signature of the *commissioner* or of such municipal officer, as the case may be, stamped thereupon.

(2) Nothing in sub-section (1) shall be deemed to apply to a cheque drawn upon the municipal fund **or to any contract.**

Publication of notices. [389]

372. Every public notice given under the provisions of this Act or of any rule, by-law, *or regulation* made *under it* shall be widely made known in the locality affected thereby—

(*a*) by affixing copies thereof in conspicuous public places within the said locality, or

(*b*) by publishing the same by beat of drum or by advertisement in two or more of the local newspapers, or

(*c*) by any two or more of such means, and in any other way that the *commissioner* may think fit.

Publication in newspapers. [390]

373. Whenever it is provided by this Act or by any rule, by-law *or regulation* made *under it* that notice shall be given by advertisement in the local newspapers, or that a notification or any information shall be published in the same, such notice, notification or information shall be inserted in at least one English and one vernacular newspaper published in the city.

Service or sending of notices, etc.

Method of serving documents. [391]

374. (1) When any notice or other document is required by this Act, or by any rule, by-law, *regulation* or order made *under it*, to be served on or sent to any person the service or sending thereof may be effected—

(*a*) by giving or tendering the said document to such person; or

(*b*) if such person is not found, by leaving such document at his last known place of abode or business or by giving or tendering the same to some adult member or servant of his family; or

(*c*) if such person does not reside in the city and his address elsewhere is known to the *commissioner*, by sending the same to him by post registered; or

(*d*) if none of the means aforesaid be available, by affixing the same in some conspicuous part of such place of abode or business.

(2) *When the person is an owner or occupier of any building or land* it shall not be necessary to name the owner or occupier in the document, *and in the case of joint owners and occupiers it shall be sufficient to serve it on, or send it to, one of such owners or occupiers.*

Relation of occupier to owner.

Recovery by occupier of sum leviable from owner. [392]

375. If any rent, tax or sum leviable under this Act from the owner is recovered from the occupier, such occupier shall be entitled to recover the same from the owner and may deduct it from the rent then or thereafter due by him to the owner.

376. (1) If the occupier of any building or land prevents the owner from carrying into effect in respect thereof any of the provisions of this Act, the *commissioner* may by an order require the said occupier to permit the owner, within eight days from the date of service of such order, to execute all such works as may be necessary.

Obstruction of owner by occupier. [393]

(2) Such owner shall, for a period during which he is prevented as aforesaid, be exempt from any fine or penalty to which he might otherwise have become liable by reason of default.

377. If the owner of any building or land fails to execute any work which he is required to execute under the provisions of this Act or of any rule, by-law, *regulation or order* made *under it*, the occupier of such building or land may, with the approval of the *commissioner*, execute the said work, and shall be entitled to recover from the owner the reasonable expenses incurred in the execution *thereof*, and may deduct the amount thereof from the rent then or thereafter due by him to the owner.

Execution of work by occupier in default of owner. [394]

Commissioner's powers of entry.

378. The *commissioner* may enter into or on any building or land with or without assistants or workmen, in order to make any inquiry, inspection, *test*, *examination*, survey, measurement or valuation, *or for the purpose of placing or removing meters*, *instruments*, *pipes or apparatus*, or to execute any *other* work which is authorized by the provisions of this Act or of any rule, by-law, *regulation* or order made *under it*, or which it is necessary for any of the purposes of this Act or in pursuance of any of the said provisions, to make or execute :

Power of entry to inspect, survey or execute the work. [395]

Provided that—

(*a*) except when it is in this Act otherwise expressly provided, no such entry shall be made between sunset and sunrise ;

(*b*) except when it is in this Act otherwise expressly provided, no dwelling house, and no public building or hut which is used as a dwelling place, shall be so entered without the consent of the occupier thereof, unless the said occupier has received at least twenty-four hours' previous notice of the intention to make such entry ;

(*c*) sufficient notice shall be in every case given, even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to females to **withdraw** to some part of the premises where their privacy may be preserved;

(*d*) due regard shall be paid, so far as may be compatible with the exigencies of the purpose of the entry, to the social and religious usages of the occupants of the premises.

379. (1) The *commissioner* may with or without assistants or workmen enter on any land adjoining or within fifty yards of any work authorized by this Act or by any rule, by-law, *regulation or order* made *under it*, for the purpose of depositing on such land any soil, gravel, stone, or other materials, or of obtaining access to such work, or for any other purpose connected with the carrying on *thereof*.

Power of entry on lands adjacent to works. [396]

(2) The *commissioner* shall, before entering on any land under sub-section (1), give the owner and occupier three days' previous notice of the intention to make such entry, and state the purpose thereof, and shall, if so required by the owner or occupier, fence off so much of the land as may be required for such purpose.

(3) The *commissioner* shall not be bound to make any payment, tender or deposit before entering on any land under sub-section (1), but shall do as little damage as may be and shall pay compensation to the owner or occupier of the land for such entry and for any temporary or permanent damage that may result therefrom.

(4) If such owner or occupier is dissatisfied with the amount of compensation paid to him by the commissioner, he may appeal to the standing committee, whose decision shall be final.

Commissioner's power to execute in default.

380. (1) Whenever by any notice, requisition, or order under this Act or under any rule, by law or *regulation* made *under it*, any person is required to execute any work, or to take any measures or do anything a reasonable time shall be named in such notice, requisition or order within which the work shall be executed, the measures taken, or the thing done.

Time for complying with order and power to enforce in default. [397]

(2) If such notice, requisition or order is not complied with within the time so named, then whether or not a fine is provided for such default and whether or not the person in default is liable to punishment or has been prosecuted or sentenced to any punishment for such default, the *commissioner* may cause such work to be executed, or may take any measures or do anything which may, in his opinion, be necessary for giving due effect to the notice, requisition or order as aforesaid.

Recovery of expenses from persons liable and limitation on liability of occupier. [398]

381. (1) The *commissioner* may recover any expenses incurred under section **380** from the person or any one of the persons to whom the notice, requisition or order was addressed.

(2) Notwithstanding anything contained in sub-section (1), no occupier shall at any time be called upon to pay any greater sum in respect of such expenses than the amount of rent then due by him, but if the rent so due is less than the sum demanded, he shall, thereafter, as each fresh instalment of rent falls due, become liable to pay a sum not exceeding the amount of such instalment until the whole of the expenses are paid.

(3) The burden of proof that the sum demanded of any such occupier is greater than the rent then or thereafter due by him shall be on the said occupier.

(4) The occupier may recover from the owner or deduct from the rent payable by him to the owner so much as is paid by or recovered from him under this section.

(5) The provisions of this section shall not affect any contract made between any owner and occupier respecting the payment of expenses of any such works as aforesaid.

Power of commissioner to agree to receive payment of expenses in instalments. [399]

382. *Instead of recovering any such expenses as aforesaid in the manner provided under section* **387**, *the commissioner may, if he thinks fit and with the approval of the standing committee, take an agreement from the person liable for the payment thereof, to pay the same in instalments of such amounts and at such intervals as will secure the payment of the whole amount due, with interest thereon at the rate of nine per centum per annum, within a period of not more than five years.*

Power to declare expenses on certain work improvement expenses. [400]

383. *If the expenses to be recovered have been incurred or are to be incurred in respect of any work mentioned*

(*a*) *in section* **168**, *section* **178**, *section* **218**, *section* **264** *sub-sections (1) and (2), section* **269**, **273** *or section* **306**.

(*b*) *in any rule made under this Act in which this section is made applicable to such expenses, the commissioner may, if he thinks fit and with the approval of the standing committee, declare such expenses to be improvement expenses.*

Improvement expenses by whom payable. [401]

384. (1) *Improvement expenses shall be a charge on the premises, in respect of which or for the benefit of which the same shall have been incurred and shall be recoverable in instalments of such amounts, and at such intervals, as will suffice to discharge such expenses together with interest thereon, within such period not exceeding* **20** *years as the commissioner may in each case determine.*

(2) *The said instalments shall be payable by the owner or occupier of the premises on which the expenses are so charged.*

Provided that when the occupier pays any such instalment he shall be entitled to deduct the amount thereof from the rent payable by him to the owner or to recover the same from the owner.

Redemption of charge for improvement expenses. [402]

385. *At any time before the expiration of the period for the payment of any improvement expenses, the owner or occupier of the premises on which the expenses are charged may redeem such charge by paying to the commissioner such part of the said expenses as are still payable.*

Relief to agents and trustees. [404]

386. (1) Where an agent, trustee, guardian, manager or receiver would be bound to discharge any obligation imposed by this Act, or any rule, by-law, regulation *or order* made *under it* for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or but for his own improper act or default might have had, in his hands funds belonging to the principal or beneficial owner sufficient for the purpose.

(2) The burden of proving the facts entitling **any person** to relief under this section shall lie on him.

(3) When any **person** has claimed and established his right to relief under this section, the *commissioner* may give him notice to apply to the discharge of such obligation as aforesaid the first moneys which shall come to his hands on behalf or for the use of the **principal or beneficial owner as the case may be**; and should he fail to comply with such notice he shall be deemed to be personally liable to discharge such obligation.

Payment of compensation, etc., by and to the Corporation.

387. All costs, damages, compensation, charges, expenses, *contributions* and other sums not recoverable under the rules in *Part VI of schedule IV, which under or by virtue or in pursuance of* this Act *or any other law* are directed to be paid by any person to the Corporation, shall be demanded by bill or notice as provided in the *said rules* and may be recovered in the manner provided in *those rules* unless within fifteen days from the date *of the* service of the bill or notice such person shall have applied to the *chief judge of the Small Cause Court* under section **388**. Recovery of sums due as taxes. [406]

388. Where in any case not provided for in section **395**, any municipal authority or any person is required by or under this Act or any rule, by-law *or regulation* made *under it* to pay any damages, compensation, charges or expenses, or contributions, the amount or apportionment of the same shall, in case of dispute, be ascertained and determined except as is otherwise provided in *section* **335**, section **379** and in the Land Acquisition Act, 1894, by the *chief judge of the Small Cause Court* on application made to *him* for this purpose at any time within one year from the date when such damages, compensation, charges or expenses or contributions first became claimable. Determination by Small Cause Court of sums payable. [407]

389. (1) On any application under the provisions of section **388** the said *chief judge* shall summon the other party to appear before him. Proceedings before Small Cause Court. [408]

(2) On the appearance of the parties or, in the absence of any of them on proof of due service of the summons, the said *chief judge* may hear and determine the case.

(3) In every such case the said chief judge shall determine the amount of the costs and shall direct by which of the parties the same shall be paid.

390. (1) If the sum due on account of damages, compensation, charges, expenses, *contributions* and *the* costs ascertained in the manner described in section **389** is not paid by the party liable within seven days after demand, such sum may be recovered under a warrant *of the Small Cause Court* by distress and sale of the movable property of such party. Recovery of sums payable by distress. [409]

(2) The balance, if any, of the proceeds of such sale, after satisfying such amount and the costs of the distress and sale, shall be returned on demand, if made within twelve months, to the party whose goods have been distrained.

Provisions regarding municipal prosecutions.

391. Subject to the provisions of section 69 no prosecution for any offence against any of the provisions of this Act or any rule, by-law, regulation or order made under it shall be instituted except on the authority of the commissioner. Prosecutions by commissioner. [411]

392. (1) No person shall be liable to *be tried* for any offence against any of the provisions of this Act, or of any rule, by-law, *regulation or order* made *under it*, unless complaint is made before a magistrate within six months after the commission of the offence: Period of limitation for making complaints. [412]

Provided that failure to take out a licence, *obtain permission or secure registration* under this Act shall for the purposes of sub-section (1) be deemed a continuing offence until the expiration of the period, if any, for which the licence, permission or registration is required, *and if no period is specified, complaint may be made at any time within twelve months from the commencement of the offence.*

393. All offences against this Act, or against any rule, by-law, regulation **or order** made *under it*, whether committed within or without the city, shall be cognizable by a presidency magistrate having jurisdiction in the city; and such presidency Cognizance of offences. [413]

magistrate shall not be deemed to be incapable of taking cognizance of any such offence, or of any offence against any enactment hereby repealed, by reason only of his being liable to pay any municipal rate or other tax or of his being benefited by the municipal fund to the credit of which any fine imposed by him will be payable.

Imprisonment in default of payment and application of fines. [414]

394. (1) In case any fine, costs or other sum of money imposed or assessed by a magistrate under this Act *or under any rule*, by-law *or regulation made under it*, shall not be paid, the magistrate may order the offender to be *imprisoned in default of payment subject to all the restrictions, limitations and conditions imposed in sections 64 to 70 (both inclusive)* of the Indian Penal Code.

(2) *Any costs imposed or assessed by a magistrate by virtue of this Act shall on recovery be paid* to the corporation to be by them applied to the purposes of this Act.

Payment of compensation for damage to municipal property. [415]

395. If, on account of any act or omission, any person has been convicted of an offence against the provisions of this Act or against any rule, by-law *or regulation* made *under it* and by reason of such act or omission damage has been caused to any property of the corporation, the said person shall pay compensation for such damage, notwithstanding any punishment to which he may have been sentenced for the said offence. In the event of dispute the amount of compensation payable by the said person shall be determined by the magistrate before whom he was convicted of the said offence on application made to him for the purpose by the commissioner not later than three months from the date of conviction; and, *in default of payment* of the amount of compensation so determined, *it* shall be recovered under a warrant from the said magistrate as if it were a fine inflicted by him on the person liable therefor.

Legal proceedings in general.

Recovery of tax, etc., by suit.

396. Nothing herein contained shall preclude the corporation from suing in a civil court for the recovery of any tax, duty, toll or other amount due under this Act.

Institution of suits against municipal authorities, officers and agents. [416]

397. (1) No suit *for damages or compensation* shall be instituted against the corporation or any municipal authority, officer or servant, or any person acting under the direction of the same, in respect of any act *done in pursuance or in execution or intended execution* of this Act or any rule, by-law, *regulation* or order made *under it* or in respect of any alleged neglect or default in the execution of this Act *or any rule, by-law, regulation or order made under it* until the expiration of one month after a notice has been delivered or left at the municipal office or at the place of abode of such officer, servant or person, stating the cause of action, the relief sought, and the name and the place of abode of the intending plaintiff; and the plaint shall contain a statement that such notice has been so delivered or left.

(2) Every such suit shall be commenced within six months after the date on which the cause of action arose *or in case of a continuing injury or damage during such continuance or within six months after the ceasing thereof.*

(3) If any person to whom any notice is given under sub-section (1) tenders amends to the plaintiff before the suit is instituted, *and if the plaintiff does not recover in any such action more than the amount so tendered* he shall not recover *any costs incurred after such tender and the defendant shall be entitled to costs as from the date of tender.*

(4) Where the defendant in any such suit is the *commissioner*, a municipal officer or servant, payment of the sum or any part of any sum, payable by him in or in consequence of the suit, whether in respect of costs, charges, expenses, compensation for damages or otherwise may be made, with the sanction of the standing committee, from the municipal fund.

Provisions respecting institution, etc., of civil and criminal actions and obtaining legal advice. [417]

398. *Subject to the provisions of section* **69**, the *commissioner may*—

(*a*) *take, or withdraw from, proceedings against any person who is charged with*—

(i) *any offence against this Act, the rules, by-laws or regulations*;

(ii) *any offence which affects or is likely to affect any property or interest of the corporation or the due administration of this Act*;

(iii) *committing any nuisance whatsoever*;

(b) compound any offence against this Act, the rules, by-laws or regulations which may **by rules made by the Governor in Council be declared compoundable;**

(c) defend himself if sued or joined as a party in any proceeding in respect of the conduct of elections or in respect of the electoral roll;

(d) defend, or compromise any appeal against an assessment or tax;

(e) take, withdraw from or compromise proceedings under sections **388** *and* **395** *for the recovery of expenses or compensation claimed to be due to the corporation;*

(f) withdraw or compromise any claim for a sum not exceeding five hundred rupees against any person in respect of a penalty payable under a contract entered into with such person by the commissioner, or with the approval of the standing committee, any such claim for any sum exceeding five hundred rupees;

(g) with the approval of the council, defend any suit or other legal proceeding brought against the corporation or against any municipal authority, officer or servant, in respect of anything done or omitted to be done by them, respectively, in their official capacity;

(h) with the approval of the standing committee, compromise any claim, suit or other *legal proceeding brought against the corporation or against any municipal authority, officer or servant, in respect of anything done or omitted to be done as aforesaid;*

(j) with the approval of the standing committee, institute and prosecute any suit or withdraw from or compromise any suit or claim, other than a claim of the description specified in clause (f), which has been instituted or made in the name of the corporation or of the commissioner;

(*k*) obtain such legal advice and assistance as he may from time to time think it necessary or expedient to obtain, or as he may be desired by the *council* or the standing committee to obtain, for any of the purposes *mentioned* in the foregoing clauses of this section or for securing the lawful exercise or discharge of any power or duty vesting in or imposed upon any municipal authority, officer or servant:

Protecting clauses.

Indemnity to municipal authorities, officers and agents. [418]

399. No suit shall be maintainable against any municipal authority, officer, or servant or any person acting under the direction of any municipal authority, officer or servant, or of a magistrate, in respect of anything in good faith done under this Act or any rule, by-law, *regulation* or order made under it.

Liability of commissioner and councillors for loss, waste or misapplication. [419]

400. **(1)** *The commissioner and every councillor shall be liable for the loss, waste or misapplication of any money or other property owned by or vested in the municipal corporation, if such loss, waste, or misapplication is a direct consequence of his neglect or misconduct and a suit for compensation may be instituted against him by the council* **with the previous sanction of the Governor in Council** *or by the Secretary of State* **in Council.**

(2) Every such suit shall be commenced within three years after the date on which the cause of action arose.

Effect of informalities. [420]

401. (1) *Any informality, clerical error, omission or other defect in any assessment made or in any distress levied or in any notice, bill, summons, warrant or other document issued under this Act or the rules or by-laws made under it may at any time as far as possible be rectified.*

(2) *No such informality, clerical error, omission or other defect shall be deemed to render the assessment, distress, notice, bill, summons, warrant or other document invalid or illegal, nor to render any person executing or serving any such document a trespasser, if the provisions of this Act, the rules and by-laws have in substance and effect been complied with.*

(3) *No act of* **a municipal authority** *or of a municipal officer or servant shall be deemed to be invalid or illegal by reason only of a defect in the constitution of the corporation or in any election or appointment:*

Provided always that any person who sustains any special damage by reason of any informality, clerical error, omission, or other defect shall be entitled to recover compensation for the same by suit.

Police.

402. It shall be the duty of *every police officer—*

Duties of police officers. [421]

(*a*) to communicate without delay to the proper municipal officer any information which he receives of the design to commit or of the commission of any offence under this Act or any rule, by-law or regulation made *under it,*

(*b*) to assist the *commissioner* or any municipal officer or servant, *or any person to whom the commissioner has lawfully delegated powers* reasonably demanding his aid for the lawful exercise of any power vesting in the *commissioner* or in such municipal officer or servant *or person* under this Act or any such rule, by-law or regulation.

(c) to assist any person employed in the collection of tolls in cases of resistance to the lawful authority of such person;

and for all such purposes he shall have the same powers which he has in the exercise of his ordinary police duties.

Power of police officers to arrest persons. [422]

403. (1) If any police officer sees any person committing an offence against any of the provisions of this Act or of any rule, by-law *or regulation* made *under it*, he shall, if the name and address of such person are unknown to him and if the said person on demand declines to give his name and address or gives a name and address which such officer has reason to believe to be false, arrest such person.

(2) No person arrested under sub-section (1) shall be detained in custody—

(*a*) after his true name and address are ascertained, or

(*b*) without the order of a magistrate for any longer time, not exceeding twenty-four hours from the hour of arrest than is necessary for bringing him before a magistrate.

Exercise of powers of police officer by municipal servants. [423]

404. The *Governor in Council* may empower any municipal servant or any class of municipal servants to exercise the powers of a police officer for the purposes of this Act.

Miscellaneous.

Application of term "public servant" to municipal officers, agents and sub-agents. [424]

405. Every municipal officer or servant, every contractor or agent for the collection of any municipal tax, toll, or fee, and every person employed by any such contractor or agent for the collection of such tax, toll, or fee, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Prohibition against obstruction of municipal contractor. [425]

406. No person shall obstruct or molest any person with whom the *commissioner* has entered into a contract on behalf of the corporation in the performance of his duty or of anything which he is empowered or required to do by virtue or in consequence of this Act or of any *rule*, by-law, *regulation* or order made *under it*.

Prohibition against removal of mark. [426]

407. No person shall remove any mark set up for the purpose of indicating any level or direction incidental to the execution of any work authorized by this Act or by any rule, by-law, *regulation* or order made *under it*.

Prohibition against removal or obliteration of notice. [427]

408. No person shall, without authority in that behalf, remove, destroy, deface, or otherwise obliterate any notice exhibited by or under the orders of the corporation.

Prohibition against unauthorized dealings with public place or materials. [428]

409. No person shall, without authority in that behalf, remove earth, sand or other material or deposit any matter or make any encroachment from, in, or on any land vested in the corporation or river, estuary, canal, backwater, or water course (not being private property), or in any way obstruct the same.

Transitional and transitory provisions.

Passing of property and rights to corporation as reconstituted. [429]

410. All property and all interests of *whatever* kind *owned by*, vested in or held in trust *by or* for the *corporation* with all rights of *whatever kind* used, enjoyed or possessed by the *corporation as constituted under the Madras City Municipal Act*, 1904, **as well as all liabilities legally subsisting against the said corporation** *shall pass to the corporation as constituted under this Act.*

Procedure for recovery of arrears of taxes, etc. [432]

411. All arrears of taxes or other payments by way of composition for a tax *or due for expenses or compensation or otherwise* due to the corporation at the time this Act comes into *force* may be recovered as though they had accrued under this Act.

Commencement of Act. [430]

412. This Act shall come into force on such date as the *Governor in Council* may by notification direct:

Provided *that* the power to make or *approve* rules, *by-laws and regulations* may be exercised at any time after the publication of the *Governor-General's assent under section* 81 *of the Government of India Act*, 1915, and that any election or appointment *of councillors* or members of the standing committee under this Act or under

the rules made *under this Act* may be held or made at any time after *such* publication, but no such election or appointment shall take effect until the commencement of the Act.

413. *In their application to the term of office and the election and appointment of councillors, members of the standing committees and the commissioner elected or appointed for the first time after the commencement of this Act, the provisions of this Act shall be read subject to the following modifications :—* Provisions for first constitution of corporation under Act. [431]

(a) the term of office of the president, of the other commissioners, and of the members of the standing committee holding office under the Madras City Municipal Act, 1904, *shall expire on such date or dates after the commencement of this Act as the Governor in Council shall determine ; and the Governor in Council shall make appointments and cause arrangements for election to be made under this Act so that the newly elected and appointed councillors may come into office on the date fixed for the retirement of the former commissioners, the new standing committees within fifteen days after the date fixed for the retirement of the former standing committee, and the commissioner appointed under this Act on the date fixed for the retirement of the President appointed under the Madras City Municipal Act,* 1904, *such date not being later than the date fixed for the retirement of the remaining commissioners holding office under the Madras City Municipal Act,* 1904 *; and*

(b) on or as soon as may be after the constitution of the council under this Act a meeting shall be held on a day and at a time fixed by the commissioner, and, if not held on that day, shall be held on some subsequent day fixed by the commissioner, for the election of a President of the Council, and of standing committees under this Act, and for ascertainment by lot (or if the Governor in Council so directs, otherwise than by lot) of ten *divisional seats to be vacated at noon on the first day of November of the year in which the council is constituted under this Act, and of* ten *more such seats to be vacated on the first day of November of the next year ; and the councillors elected for the* twenty *seats so ascertained or councillors elected in their places in casual vacancies shall, notwithstanding anything in section* 55, *hold office only until the next, or as the case may be, next but one first day of November after the constitution of the council under this Act, and*

(c) the first meeting of each *standing committee elected for the first time under this Act shall be held on a day and at a time fixed by the commissioner.*

SCHEDULE I.

ENACTMENTS REPEALED.

(*See section* 2.)

Year. (1)	Number. (2)	Short title. (3)	Extent of repeal. (4)
		Acts of the Governor of Fort St. George in Council.	
1904	*III*	*The Madras City Municipal Act, 1904* ..	*The whole.*
1907	*IV*	*The Madras City Municipal Act (Amendment Act), 1907.*	*Do.*
1911	*II*	*The Madras City Municipal Act (Amendment Act), 1911.*	*Do.*
1905	**II**	**The Madras Port Trust Act, 1905** ..	**Section 34.**

SCHEDULE II.

RULES REGARDING PROCEEDINGS OF THE COUNCIL AND COMMITTEES.

(*See section* **31.**)

THE COUNCIL.

1. *A general meeting of the council* shall be held at the municipal office every month *on such day and at such hour as the president shall fix.*

2. The President shall cause notice of every general meeting and of the business to be transacted thereat to be published in the local newspapers at least six **clear** days before *the day of* the meeting, *but it shall be competent to him for good and sufficient reasons to alter the day or hour of the meeting at any time before the day originally fixed, provided that he shall intimate the alteration to the councillors and publish it in such manner as he may deem most expedient.*

3. At each of the general meetings held in the months of April, June, August, October, December and February, the president shall place before the council a statement of receipts and disbursements on account of the municipal fund from the close of the last preceding year up to the close of the month before that in which the meeting takes place.

4. (1) The President may call a special meeting of the *council* at the municipal office, whenever he thinks fit, *and shall call such a meeting on receiving* a request in writing signed by ten *councillors* specifying *a resolution which it is proposed to move.*

(2) No *special* meeting shall be held unless at least four **clear** days' notice, specifying the purpose for which such meeting is to be held and the *date and hour* thereof, has been given by a *separate communication* addressed to each *councillor and by publication in* the local newspapers.

5. If the office of president is vacant the duties assigned to the president by rules 1 to 4 above shall be performed by the commissioner.

6. (1) All acts authorized to be done and all questions authorized to be decided by the *council* shall, save as otherwise provided *in this Act*, be done or decided by a majority of the councillors present and voting at a meeting.

(2) The President shall in case of equality of votes have a second or casting vote.

7. (1) No business shall be transacted at any meeting unless there is a quorum.

(2) **Fifteen** councillors at a general meeting and **twenty** at a special meeting shall constitute a quorum.

8. (1) Minutes of the proceedings *of the council* shall be entered in a book to be called the minute-book, and shall be signed by the President after each meeting.

(2) The minute-book shall be open at the municipal office at all reasonable times to the inspection of any *councillor* without payment and to the inspection of any other person on payment of a fee of eight annas.

9. (1) The *council* may appoint from among their own number committees for the purpose of inquiring into and reporting on any matter which is reserved by this Act for the decision of the *council.*

(2) *By a resolution supported by not less than half the whole number of councillors, the council may add to any committee so appointed persons who are not councillors, but who may possess special qualifications in regard to the matter to be inquired into. Provided that the number of persons so appointed shall not exceed one-half of the number of councillors appointed to serve on the committee.*

(3) The proceedings of every such committee shall be recorded in writing and submitted to the *council.*

THE STANDING COMMITTEES.

10. **Each standing committee shall meet** at the municipal office at least **once a** month *on such day and at such hour as the committee shall from time to time determine.*

11. The chairman of a standing committee may at any time call a meeting of the committee and shall do so within forty-eight hours of the receipt of a requisition signed by the commissioner or by three members of the committee and stating the business to be transacted.

12. No business shall be transacted at any meeting of a standing committee unless there is a quorum *of* **three.**

13. All questions shall be decided by a majority of the members present and voting, *the* **chairman** *having* a second or casting vote *when there is an* equality of votes.

14. Minutes of the proceedings of each standing committee shall be entered in books and shall be signed by the chairman. Minute books shall be placed before the council at such times as it may appoint.

15. The commissioner shall in any case in which two standing committees may have passed conflicting decisions, submit a report to the president who shall place the subject before a meeting of the council and pending the resolution of the council, the commissioner shall withhold all action in regard to the matter at issue.

16. Any member of a standing committee, *other than the President of the council,* who fails to attend four consecutive meetings, shall cease to be a member of it, *but* may be re-elected by the *council.*

SCHEDULE III.

AREAS AND BOUNDARIES OF THE ESPLANADE.

(*See section* **72.**)

The Esplanade means the following three areas of which the boundaries are as follow :—

1*st*, *The Monument Esplanade* (excluding Popham's Esplanade road).—Bounded *on the north* by straight lines drawn from stone to stone, between M.D. Zone Mark No. 27, on the North Beach road, opposite to the High Court and a point, 165 feet westward, from Mark No. 24 in the straight lines between Zone Marks Nos. 24 and 23, where it crosses the western compound wall of the Ordnance line abutting on Irusappa Maistri street; *on the south* by Fraser's Bridge road and North Fort side road; *on the east* by North Beach road; and *on the west* by Irusappa Maistri street.

2*nd*, *The Benfield Esplanade* (excluding Moore's road and Esplanade footpath).—Bounded *on the north* by Fraser's Bridge road; *on the south* by the General Hospital road; *on the east* by the Wallaja or Benfield Esplanade road; and *on the west* by Nainiappa Naick street or Memorial Hall road.

3*rd*, *The Medical College Esplanade.*—Bounded *on the north* by the General Hospital road; *on the south* by the river Cooum; *on the east* by the Wallaja road; and *on the west* by the Medical College.

SCHEDULE IV.

TAXATION RULES.

(*See section* **138**.)

PART I.

Assessment of the Property Tax.

(See sections **99—109**.)

1. *The commissioner shall prepare and maintain property-tax registers in such form* **and in such parts and sections** *as he sees fit, provided that such registers shall record the following particulars, in so far as they can be ascertained, with regard to each assessable item* :—

(*a*) The *serial* number, description and name (*if any*) *of the item ;*

(*b*) the name of the division and of the street, if any, in which *it* is situated;

(*c*) the name of the owner;

(*d*) the name of the occupier;

(*e*) the annual value; and

(*f*) the amount of the tax payable;

2. (1) When *the registers are* complete in respect of any division or part of a division, the *commissioner* shall give public notice *stating* where, and between what hours, such *registers* may be inspected.

(2) The owner or occupier of any land or building included in such *registers* or the agent of *any* such owner or occupier shall be permitted to inspect the said *registers* and to *take* extracts therefrom free of charge, and any other person shall be permitted to inspect the said *registers* and to *take* extracts therefrom on payment of a fee of one rupee on each occasion.

3. The *commissioner* shall amend the *property-tax registers* by altering, *adding or deleting items as circumstances may require.*

4. In every case in which any building or land is assessed for the first time, the *commissioner* shall give the owner or occupier special notice of the *assessment.*

5. *In every case in which the assessment on any building or land is increased, otherwise than in consequence of the enhancement by the council of the rate at which the property tax is leviable, the commissioner shall give the owner or occupier special notice stating the amount of the increase and the reasons therefor.*

6. *When the commissioner makes an amendment under rule 3, it shall be deemed to have taken effect from the earliest date in the current year on which the circumstances justifying the amendment existed ; no instalment of the property tax at the revised rate shall, however, be payable until fifteen days after the service or sending of the notice required by rule 4 or rule 5.*

PART II.

Assessment of Companies.

(See section **110**.)

7. *Companies shall be assessed by the commissioner on the following scale* :—

Paid-up capital. *Lakhs of rupees.*	Half-yearly tax. RS.
A. *More than twenty*	1,000
B. *More than ten, less than twenty*	500
C. *More than five, less than ten*	250
D. *More than three, less than five*	150
E. *More than two, less than three*	100
F. *More than one, less than two*	50
G. *Less than one*	30

Provided that any company, the head office or a branch or principal office of which is not in the city and which shows that its gross income received in or from the city has not in the year immediately preceding the year of taxation exceeded—

	RS.
(a) twenty-five thousand rupees shall pay only	*125*
(b) fifteen thousand rupees shall pay only	*75*
(c) five thousand rupees shall pay only	*25*

Assessment for Profession Tax.

(See section **111.**)

8. Persons shall be assessed by the commissioner to the profession tax under the following classes on a scale to be determined by the council from time to time:—

Provided that such scale shall be subject to the maximum and minimum specified against each class and shall proceed proportionately either to the maximum or the minimum scale:—

TAX ON PERSONS HOLDING APPOINTMENTS OR EXERCISING PROFESSIONS, ARTS, TRADES AND CALLINGS.

	Half-yearly. Maximum. RS.	A.	Half-yearly. Minimum. RS.	A.
Class I.				
(1) All persons holding any appointment upon a monthly salary of five thousand rupees or upwards ... (2) All other persons exercising any profession, trade, art or calling, or their agents or servants in their absence	500	0	350	0
Class II.				
(1) All persons holding any appointment upon a monthly salary which amounts to three thousand **or upwards** but is less than five thousand rupees. (2) All other persons described in class I, but not assessed under class I	300	0	210	0
Class III.				
(1) All persons holding any appointment upon a monthly salary which amounts to two thousand **or upwards** but is less than three thousand rupees. (2) All other persons described in class I, but not assessed under class I or II	200	0	140	0
Class IV.				
(1) All persons holding any appointment upon a monthly salary which amounts to one thousand **or upwards** but is less than two thousand rupees. (2) All other persons described in class I, but not assessed under any of the previous classes ...	90	0	60	0
Class V.				
(1) All persons holding any appointment upon a monthly salary which amounts to seven hundred and fifty **or upwards** but is less than one thousand rupees .. .. (2) All other persons described in class I, but not assessed under any of the previous classes ...	45	0	30	0
Class VI.				
(1) All persons holding any appointment upon a monthly salary which amounts to five hundred **or upwards** but is less than seven hundred and fifty rupees ... ... (2) All other persons described in class I, but not assessed under any of the previous classes ...	30	0	20	0

	Half-yearly. Maximum. RS. A.		Half-yearly. Minimum. RS. A.	
Class VII.				
(1) All persons holding any appointment upon a monthly salary which amounts to two hundred **or upwards** but is less than five hundred rupees. (2) All other persons described in class I, but not assessed under any of the previous classes ...	12	0	8	0
Class VIII.				
(1) All persons holding any appointment upon a monthly salary which amounts to one hundred **or upwards** but is less than two hundred rupees. (2) All other persons described in class I, but not assessed under any of the previous classes ...	5	0	4	0
Class IX.				
All hotel-keepers, lodging, boarding or eating or refreshment-house keepers and shop-keepers not assessed under any of the previous classes	1	0	0	8

9. (1) *The commissioner may classify all persons liable under rule* 8, *but not in receipt of a fixed salary or remuneration, on general considerations with reference to the nature and reputed value of their business, the size and rental of residential and business premises, the quantity of articles dealt with, the number of persons employed and the income-tax paid to Government. The commissioner shall not call for accounts of any assessee, but any person may produce his accounts to show that the net income derived by him from the exercise of his profession, art, trade or calling within the city falls below the lowest limit of salary entered at the head of the class in which the commissioner has placed him and the commissioner shall revise the assessment if satisfied that the person should be placed in a different class.*

(2) *The commissioner may exempt any person falling within the ninth class on the ground of his poverty.*

PART III.

Tax on Carriages and Animals.

(See section **116.**)

10. (*a*) *The tax on carriages and animals shall be levied at half-yearly rates not exceeding those shown in the following table :—*

	Half-yearly instalment. Rs.
For every motor or steam vehicle with metal tyres constructed to carry 2 tons or more	**100**
Additional charge for each trailer..	**50**
For every motor or steam vehicle with rubber tyres constructed to carry 2 tons or more	**75**
Additional charge for each trailer	**50**
For every motor or steam vehicle constructed to carry one ton or less than two tons .. .. **For every motor bus or charabanc constructed to carry 10 or more persons .. ..**	**50**
For every four-wheeled motor vehicle constructed to carry less than 10 persons and more than 3 persons	**35**
For every four-wheeled motor vehicle constructed to carry 3 or less persons	**25**
For every motor tricycle and every motor bicycle with or without side-car	**15**
For every four-wheeled vehicle constructed to be drawn by one or more animals	**10**
For every two-wheeled vehicle constructed to be drawn by one or more animals	**5**

	Half-yearly instalment.
	Rs.
For every other bicycle or tricycle	2
For every other carriage not being a child's perambulator or go-cart	3
For every elephant	12
For every camel	6
For every horse or mule not under 12 hands	6
Do. under 12 hands	2
For every bull, bullock, male buffalo, ass or dog ..	1

(b) *If, within the half-year, a person replaces any carriage or animal by another carriage or animal falling under the same class in the table given in clause (a), he shall not be liable to more than one payment of tax and the amount of such payment shall be regulated by the aggregate number of days for which he has kept such carriage or animal during the half-year.*

PART IV.

Tolls.

(See section **130.**)

11. (*a*) *Tolls shall be levied at the rates shown in the following table :—*

	Rs.	a.	p.
On every four-wheeled motor vehicle constructed to carry less than 10 persons	0	8	0
On every other steam or motor four-wheeled vehicle	1	0	0
On every motor tricycle or motor bicycle with or without side-car	0	6	0
On every other bicycle or tricycle	0	2	0
On every other carriage	0	3	0
On every cart	0	2	0
On every horse, mule, ass, buffalo, bull, bullock, camel or elephant	0	1	0

(*b*) *Payment of a toll in respect of any vehicle covers the animals engaged in drawing it.*

(c) Not more than a single payment of toll may be demanded in respect of any vehicle or animal during any one period of twenty-four hours counted from midnight to midnight.

PART V.

Revision of Assessment.

(See section **138.**)

12. Any *assessee* who is dissatisfied with *the assessment of any tax under this Act other than the transfer duty* and the tax on timber and firewood *may make an application in writing to the commissioner for the revision of such assessment* stating the grounds of his objection *thereto.*

13. No application for revision under *rule* 12 shall be *admitted*—

(*a*) unless *the* application has *reached* the municipal office—

(i) in the case of the property-tax, within fifteen days from *the publication of the public notice referred to in rule 2 or from the receipt of the special notice referred to in rule 4 or rule 5, and in the case of companies' and profession taxes, within fifteen days from the date of service of the notice prescribed by section* 113 *and*

(ii) in the case of any other tax, within seven days from the date of demand ; *and*

(*e*) *For the purpose of action under rule* **23** *no special order in writing of the commissioner shall be required, but if the public servant to whom the warrant is addressed charges any subordinate with the execution thereof, he shall furnish such subordinate with a special order in writing to that effect, and such subordinate shall then have authority to take action under the rule.*

(*f*) *For the purpose of action under rule* **26** *the public servant to whom the warrant is addressed may, without further orders from the commissioner, sell or direct the sale of the property seized, and shall on completion of the sale transmit the proceeds to the commissioner, subject to such deduction, if any, as may be necessary to meet expenses incurred locally.*

(*g*) *It shall be unlawful for such public servant himself or for any person subordinate to him to purchase directly or indirectly any property at any such sale.*

29. If the *property tax due in respect of* any building or land remains unpaid after a bill has been duly sent to or served on the owner *thereof* the *commissioner* may demand *such sum* from the occupier of the said building or land, and, *in default of* payment thereof, may recover *it from him* in the manner provided *in rule* **22** :

Provided that no arrears due from the owner for more than one year shall be so recovered from the occupier.

PART VII.

Miscellaneous.

(See section **138.**)

30. The *commissioner* shall keep separate accounts of all moneys received and expended for any purpose connected with (*a*) *the water and drainage tax*, and (*b*) the lighting tax.

31. *For the purposes of parts* **V** *and* **VI** *of these rules the expression "tax" includes payments due by way of composition for a tax.*

SCHEDULE V.

FINANCIAL RULES.

(*See section* **141.**)

PART I.

AUTHORIZED EXPENDITURE.

1. *The objects on which the municipal fund may be spent include those expressly declared obligatory by laws or rules, those which laws or rules expressly give the corporation a discretion to undertake, and, in general, all matters necessary for, or conducive to the safety, health, convenience or education of the citizens of Madras or the amenities of the city and all matters incidental to the administration.*

2. *The objects of expenditure connected with the public safety include the following* :—

(*a*) Lighting of public streets *and the provision, purchase, exploitation and maintenance of gas, electric or other undertakings for lighting public and private streets, places and buildings ;*

(*b*) Extinction of fires ;

(*c*) Control, supervision or removal of dangerous places, buildings, trades and practices ;

(*d*) Regulation of traffic ;

(*e*) Prevention and removal of obstructions in streets or public places.

3. *The objects of expenditure connected with the public health include the following* :—

(*a*) The construction and maintenance of hospitals and dispensaries *and temporary places of reception within or without the city for the treatment of infectious diseases occurring in the city ; building hospitals and dispensaries and places of reception for the sick in general ; contributing towards hospitals, dispensaries or places of reception provided by the local Government ; contracting for the use of a hospital or part of a hospital, dispensary, or place of reception ; combining with any other local authority or with the Local Government to provide a common hospital, dispensary or place of reception ; sending indigent inhabitants of the city to institutions outside*

the city for treatment; the training of *health officers*, medical subordinates, *sanitary inspectors and analysts; the training of nurses and the provision of nurses for attendance on patients suffering from infectious diseases at the houses of such persons; vaccination and* the training and supervision of vaccinators *and the provision of lymph;* the registration of births, deaths *and marriages;* the enumeration of the inhabitants of the city; and other measures of a like nature;

(*b*) The construction, *establishment*, maintenance, supervision and control of public markets and slaughter-houses; of latrines; of drains and drainage works; of sewage farms; of tramways and other works for the removal of sewage; of water works, drinking fountains, tanks and wells; *of wash houses or dhobykhanas;* of parks, squares and gardens; the reclamation of unhealthy localities; and other sanitary measures of a like nature;

(*c*) The cleansing and watering of streets and drains; scavenging; the removal of excessive or noxious vegetations; the abatement of all nuisances;

(*d*) The regulation and control of offensive or dangerous trades, of unhealthy buildings or localities, and of burial and burning grounds *and crematoria;* and the provision of sites for and the closing of burial and burning grounds; *the provision of new sites for offensive and dangerous trades and of special locations for factories; the acquisition of congested areas and the provision of new sites to relieve congestion or to provide for the growth of population; improvement and reclamation of land, planning, surveying and control of town extensions, whether within or without the municipal limits, re-distribution of sites in such extensions, and all measures of a like nature.*

4. *The objects of expenditure connected with the public convenience, amenities and education include:*—

(*a*) The construction, maintenance, *diversion and improvement* of streets, bridges, causeways, culverts and the like; the regulation of building; *the construction of model dwellings;* the removal of projections *and encroachments;* the naming of streets; the numbering of houses; the planting and preservation of trees in public streets and places; *the maintenance of public monuments;*

(*b*) The construction, maintenance, alteration and adornment of public halls *and theatres*, the *acquisition and maintenance of recreation grounds, playing-fields and promenades;*

(*c*) *Subject to all provisions of law the construction, maintenance, purchase or exploitation of tramways and other transport services, railways not included, of telephone systems, grass farms, dairies, public bakeries and other industrial concerns of public utility, whether within or without the municipal limits, and whether or not in combination with other authorities or persons, and subscription to debenture loans of any such concerns;*

(*d*) *The employment of veterinary officers, the prevention of diseases of animals, the provision of places for the treatment of sick animals, and the prevention of cruelty to animals;*

(*e*) *The provision and maintenance* of *zoological and horticultural gardens;*

(*f*) *The provision and maintenance of public* libraries *and reading-rooms, museums, art galleries, gymnasia or any other institutions connected with the diffusion of mental or physical culture;*

(*g*) *The provision and maintenance of public baths and bathing places;*

(*h*) *The provision of music for the people;*

(*i*) *The provision and maintenance of public clocks and clock-towers or of a time gun;*

(*j*) The construction *and maintenance* of school houses;

(*k*) Primary education;

(*l*) Technical and industrial education;

(*m*) The training of teachers;

(*n*) *The provision of standard weights, scales and measures, and of public weighing-places;*

(*o*) *The holding of exhibitions or fairs;*

(*p*) *The provision and maintenance of rest-houses, choultries*, alms houses, *poor houses, pounds and other works of public utility;*

(q) The organisation and maintenance of health associations;

(r) The organisation and maintenance of associations for the prevention of juvenile smoking and cruelty to children.

5. *The objects of expenditure incidental to the administration include—*

(a) *The provision and maintenance of a principal municipal office and record room and of other offices with the cost of appurtenances and fittings and insurance;*

(b) *Salaries, allowances, liveries, pensionary and provident fund contributions, gratuities and pensions, and the cost or hire of vehicles for the commissioner and the municipal officers and servants; study leave allowances of professional officers and subordinates; sending municipal servants to any hospital or institute for treatment;*

(c) Payment of out-of-pocket expenses bona fide incurred by councillors in the discharge of any special duties entrusted to them;

(d) *Stationery, printing and all office and advertising expenses including the cost of reporting the discussions of the councils;*

(e) *Legal expenses;*

(f) *The expenses of conducting elections;*

(g) *Auditors' fees;*

(h) *The provision and maintenance of municipal workshops;*

(i) *Municipal surveys, the preparation of maps of the city and of proposed extensions;*

(j) *The preparation and maintenance of a record of rights in immovable property.*

(k) The acquisition of land for all or any of the purposes of the Act.

6. *With the previous sanction of the Governor-General in Council the council may—*

(a) *upon any of the public streets in Madras, or upon any land in or without Madras which is vested in the council, construct or maintain any railway which may appear to the council to be useful or necessary for the removal of rubbish and offensive matter or for any of the other purposes of this Act,*

(b) *use and employ upon any such railway locomotive engines or other motive power and carriages and wagons to be drawn or propelled thereby,*

(c) *carry and convey passengers and goods upon any such railway,*

(d) *make such reasonable charges in respect of such passengers or goods as the council may from time to time determine,*

(e) *from time to time enter into any contract with any person for the construction, maintenance and working of any such railway in or without Madras,*

(f) *from time to time enter into any contract with any person for the passage over any such railway of locomotive engines or other motive power, carriages and wagons belonging to or controlled by such person upon the payment of such tolls or rent, and under such conditions and restrictions, as may be mutually agreed upon, and*

(g) *lease any such railway to any person upon such terms and under such conditions and restrictions as may be mutually agreed upon.*

Explanation.—The term "railways" in this rule does not include "tramways".

7. If the expenditure incurred by any *other local* authority *in the Presidency of Madras* for any purpose described *in these rules* is such as to benefit the inhabitants of the city *the commissioner* may, with the sanction of the *council,* contribute towards such expenditure.

8. The *commissioner* may, with the sanction *of the council, contribute* towards the expenses of any public exhibition, ceremony or entertainment in the city.

9. *The commissioner may, with the sanction of the council, defray the cost of the preparation and presentation of addresses to persons of distinction.*

10. *The commissioner may, with the sanction of the council and of the Governor in Council, contribute to any fund for the defence of the city, India or the empire, to any charitable fund, or to the funds of any institution for the relief of the poor or the treatment of disease or infirmity or the reception of diseased or infirm persons or the investigation of the causes of disease.*

Part II.

RECEIPTS AND PAYMENTS.

11. All moneys received by the corporation shall be lodged in the Bank of Madras or, with the sanction of the Governor in Council, in any other bank, and shall be credited to an account entitled the "Municipal Fund *Account*" and may, with a like sanction, be invested in any one of the securities specified in section 20 of the Indian Trusts Act, 1882.

12. All orders or cheques against the *Municipal* Fund shall be signed by the *commissioner* or in his absence by the revenue officer, and the bank *in which the fund is lodged shall, so far as the funds to the credit of the corporation admit, pay* all orders or cheques against the fund which are so signed.

13. The payment of any sum out of the municipal fund *may* be made or authorized by *the commissioner if such* sum is covered by a *budget-grant* and a sufficient balance of such *budget*-grant is available.

14. *The payment of any sum out of the municipal fund may be made or authorized by the commissioner in the absence of budget provision in the case of—*

(*a*) refunds of taxes and other moneys authorized by *law, rule, by-law or regulation;*

(*b*) repayments of moneys belonging to contractors or other persons and held in deposit and of moneys collected or credited to the municipal fund by mistake;

(*c*) costs incurred by the *commissioner in the* exercise of *his* powers *under section* 11 *of the Act*;

(*d*) sums payable under section **43**, sub-section (1), clause (*c*), and section **153**, sub-section (2) *of the Act;*

(*e*) sums payable under a decree or order of a civil court passed against the corporation or under a compromise *of* any suit or legal proceeding or claim.

(*f*) any sum which the *commissioner* is required *by law, rule, by-law or regulation* to pay by way of compensation or expenses;

(*g*) the salary payable to a special health officer appointed under section **89** *of the Act;*

(*h*) expenses incurred by the *commissioner under section* **334**, *sub-section (3)*, and expenses *lawfully* incurred in anticipation of recoupment from a person liable under *any provision of law ;*

Provided that the commissioner shall forthwith communicate the circumstances to the standing committee *which* shall take *any* action *that may* in the circumstances be *necessary* or expedient *to cover any expenditure not covered by a budget grant.*

15. *The commissioner shall not overdraw.*

Part III.

AUDIT, SURCHARGE AND DISALLOWANCE.

16. *The auditors appointed under section* **140** *shall maintain and keep a continuous audit of the municipal accounts.*

17. *The commissioner shall submit all accounts to the auditors as required by them.*

18. *The auditors may—*

(*a*) *by summons in writing require the production of any document, the perusal or examination of which they believe necessary for the elucidation of the accounts;*

(*b*) *by summons in writing require any person having the custody or control of any such document or accountable for it to appear in person before them;*

(*c*) *require any person so appearing to make and sign a declaration with respect to such document or to answer any question or to prepare and furnish any statement relating thereto.*

19. The auditors shall—

(*a*) report to the standing committee any material impropriety or irregularity which they may observe in the expenditure, or in the recovery of moneys due to the corporation or in the municipal accounts;

(*b*) furnish to the standing committee such information as the said committee may require concerning the progress of their audit;

(*c*) *report to the standing committee any loss or waste of money or other property owned by or vested in the council caused by neglect or misconduct, with the names of persons, directly or indirectly responsible, for such loss or waste ; and*

(*d*) submit to the standing committee a final statement of the audit and a duplicate copy thereof to the Governor in Council within a period of three months from the end of the financial year, or within such other period as the Governor in Council may notify.

20. The standing committee shall forthwith remedy any defects or irregularities that may be pointed out by the auditors and report the same to the council.

21. (1) *The auditors shall disallow every item contrary to law and surcharge the same on the person making or authorizing the illegal payment; and shall charge against any person responsible therefor, the amount of any deficiency or loss incurred by the negligence or misconduct of that person or of any sum which ought to have been but is not brought into account by that person and shall, in every such case, certify the amount due from such person.*

(2) *The auditors shall state in writing the reasons for their decision in respect of every disallowance, surcharge or charge and furnish a copy thereof to the person against whom it is made.*

22. *Any person aggrieved by disallowance,* **surcharge or charge** *made may, within fourteen days after he has received or been served with the decision of the auditor, apply to the Court of Small Causes of Madras, notwithstanding anything contained in the Presidency Small Cause Courts Act, 1882, to set aside such disallowance, surcharge* **or charge** *and the court, after taking such evidence as is necessary, may confirm, modify or remit such disallowance, surcharge* **or charge** *with such orders as to costs as it may think proper in the circumstances; or in lieu of such application any person so aggrieved may appeal to the Governor in Council who shall pass such orders as he thinks fit.*

23. *Every sum certified to be due from any person by auditors under this Act shall be paid by such person to the commissioner within fourteen days after the intimation to him of the decision of the auditors unless within that time such person has appealed to the court or to the Governor in Council against the decision; and such sum if not so paid, or such sum as the court or the Governor in Council shall declare to be due shall be recoverable on an application to the court in the same way as an amount decreed by the court.*

24. The corporation shall pay to the auditors out of the municipal fund such remuneration as the *Governor in Council* may determine.

Part IV.

FORM OF ACCOUNTS.

25. *The council shall make regulations, subject to the approval of the Governor in Council,* to provide for—

(*a*) the form in which the *budget* estimates, budget statements and returns of the corporation shall be *kept; and*

(*b*) the form in which the accounts of the corporation shall be kept.

SCHEDULE VI.

PURPOSES FOR WHICH **PREMISES** MAY NOT UNDER SECTION **287** BE USED WITHOUT A LICENCE.

(*See section* **287**.)

Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever—

ammunition,	nitro-glycerine,	fish,	skins,
chemical preparations,	*nitro-mixture*,	hair,	tallow,
chlorate-mixture,	saltpetre,	hides,	tar,
fire-works,	sulphur,	hoofs,	turpentine,
fulminate of mercury,	blood,	horns,	wool,
gas,	bones,	**lime shells,**	coconut fibre,
gun-cotton,	*camphor*,	manure,	flax,
gun-powder,	catgut,	meat,	hemp,
lime,	cotton, cotton refuse, cotton seed,	offal,	jute,
matches,	fat,	oil,	rosin,
nitro-compound,	fins,	oil-cloth,	spirits,
		pitch,	surkhi.
		rags,	

Packing, pressing, cleansing, preparing or manufacturing by any process whatever—

pottery, **candles, cement, dyes, leather, soap, sugar, sugarcandy, cloths** **fluor,** silk, **paper.**

Manufacturing articles from which offensive or unwholesome smells, fumes, or dust arise.

Boiling camphor, paddy or oil.

Breaking **and hammering** *iron and manufacturing articles out of iron.*

Beating metals.

Casting metals ; *gilding ; electro-plating.*

Washing soiled clothes *and keeping soiled cloths for the purpose of washing them and keeping washed clothes.*

Manufacturing carpets.

Manufacturing bricks and tiles.

Manufacturing condiments.

Manufacturing or distilling sago.

Baking **or preparing** *bread, biscuits or confectionery (for other than domestic use).*

Manufacturing ice.

Manufacturing aerated waters.

Storing and packing onions and garlic.

SCHEDULE VII.

ORDINARY PENALTIES.

(*See section* **357.**)

1		2	3
Section *or rule.*	Sub-section or clause.	Subject.	Fine which may be imposed.
106	(1) & (3)	*Failure to give notice of transfer of title or to produce documents* ..	*Fifty rupees.*
107	..	Failure to send notice to *commissioner* after completion of construction or re-construction of building.	Fifty rupees.
109	(1)	Failure of owner or occupier to furnish return of rent, etc. ..	One hundred rupees.
114	..	Failure of owner or occupier to furnish list of persons liable to tax.	One hundred rupees.
115	..	Failure of employer or his representative to furnish list of persons liable to tax.	One hundred rupees.
120	..	Failure of occupier to obey requisition to furnish statement of vehicles and animals liable to taxation *or furnishing incorrect statement, etc.*	Ten rupees.
122	(1)	Failure to obey order to affix and register number *of carriage* ..	Ten rupees.
124	(1)	Failure of owner to register cart	Ten rupees.
,,	(3)	Failure to have *or keep* registration number affixed to cart ..	Ten rupees.
129	**(2)**	**Importation of timber or firewood into the city without payment of the tax due thereon.**	**One hundred rupees.**
133	..	*Attempt to evade payment of toll*	*Fifty rupees.*
166	..	*Trespassing on premises connected with water-supply*	*Fifty rupees.*
168	..	*Failure to maintain house-connections in conformity with by-laws and regulations.*	*Fifty rupees.*
169	(2)	*Failure to obey requisition to make house-connection*	*Fifty rupees.*
,,	(3)	*Occupying or allowing occupation of house without proper water-supply.*	*Fifty rupees.*
177	..	*Failure to maintain house drains, etc., in conformity with by-laws and regulations.*	*Fifty rupees.*
178	(2) & (3)	*Failure to obey requisition as to house-drainage*	*Fifty rupees.*
,,	(4)	*Occupying or allowing occupation of house without proper drainage* ..	*Two hundred rupees.*
179	1 (*b*)	*Failure to obey direction as to limited use of drain or notice requiring construction of distinct drain.*	*Fifty rupees.*
181	..	Unlawful construction of building over public drain	One hundred rupees.
182	..	*Failure to obey requisition regarding culverts or to keep them free from obstruction.*	*Fifty rupees.*
183	..	Failure to obey requisition to maintain troughs and pipes for catching, etc., water from roof or other part of building.	Fifty rupees.
185	(2)	Keeping of public latrine without licence	Fifty rupees.
,,	(3)	Allowing public latrine to be in unclean condition *or* improper order.	Fifty rupees.
186	..	Failure to obey requisition to provide latrine or to remove latrine to another site *and failure to keep latrines clean and in proper order.*	Fifty rupees.
187	..	Failure to provide latrines for premises used by large numbers of people *or to keep them clean and in proper order.*	*One hundred rupees.*
188	..	Failure to obey requisition to provide latrines for market, cattle-stand or cart-stand, *or to keep them clean and in proper order.*	*One hundred rupees.*
189	..	*Failure to construct latrines so as to screen persons using them from view.*	*Twenty rupees.*

1		2	3
Section *or rule*.	Sub-section or clause.	Subject.	Fine which may be imposed.
191	..	*Making connection with mains without permission*	Two hundred rupees.
195	(1)	Failure of occupier to obey direction to collect rubbish *and filth* and deposit them in a box or basket *or other receptacle* of his own at or near premises.	Ten rupees.
"	(2)	**Failure to obey direction to collect rubbish and filth accumulating in latrine and to deposit in municipal carts.**	**Ten rupees.**
"	(3)	Failure to obey direction to collect rubbish *and filth* and deposit them in public receptacle.	Ten rupees.
196	(*a*)	Failure to obey direction to collect and remove rubbish *and filth* accumulating on business premises.	Ten rupees.
202	(1)	Allowing rubbish *or filth* to accumulate on premises for more than twenty-four hours.	*Twenty rupees.*
"	(2)	Irregular deposit of rubbish *or filth*	Ten rupees.
"	(3)	Irregular removal of *rubbish or filth*	Twenty rupees.
"	(4)	Deposit of rubbish *or filth* in unauthorized place	Twenty rupees.
"	(5)	Keeping *rubbish or filth* for more than twenty-four hours, etc.	Ten rupees.
"	(6)	Allowing *filth* to flow in streets	Twenty rupees.
209	..	*Building within* **street alignment or building line without permission.**	*One thousand rupees.*
214	..	Unlawful displacement, etc., of pavement or fences, posts, and other materials of public street.	Fifty rupees.
216	..	Unlawful making or laying of new street	Five hundred rupees.
218	..	Failure to obey requisition to metal, etc., private street	One hundred rupees.
220	..	Building wall or erecting fence, etc., in a street	One hundred rupees.
221	..	*Allowing doors, ground-floor windows, etc., to open outwards without licence or contrary to notice.*	*Twenty rupees.*
222	..	*Failure to remove permanent encroachment*	Two hundred rupees.
223	..	*Failure to remove temporary encroachments*	*Fifty rupees.*
225	..	Unlawful removal of bar, or shoring of timber, etc., or removal or extinction of light.	Fifty rupees.
226	(1)	Unlawful making of hole or placing of obstruction in street	Fifty rupees.
"	(3)	*Failure to remove obstruction*	*Fifty rupees.*
227	..	Construction, etc., of building without licence where street or footway is likely to be obstructed.	Fifty rupees.
"	..	Failure to fence, etc., such building while under repair	Fifty rupees.
228	(3)	Unlawful destruction, etc., of name of street	Twenty rupees.
229	(2)	Unlawful destruction, etc., of number of building	Twenty rupees.
"	(3)	*Failure to replace number when required to do so*	*Twenty rupees.*
233	..	Construction of external roof, etc., with inflammable materials	Fifty rupees.
254	..	Failure to keep external walls of premises in proper repair	Twenty rupees.
258	..	Failure to obey requisition to take down, repair or secure *dangerous structure.*	Five hundred rupees.
259	..	*Failure to obey requisition to secure, lop, or cut down dangerous tree*	*Fifty rupees.*
260	..	Failure to obey requisition to repair, etc., tank or other place dangerous to **passers-by** or persons living in neighbourhood.	Fifty rupees.
261	..	*Failure to obey notice regarding precautions against fire*	One hundred rupees.
262	(1)	*Constructing well, etc., without permission*	*Fifty rupees.*
"	(3)	*Failure to obey notice to fill* **up** *or demolish well, etc.*	*Fifty rupees.*
263	..	*Failure to obey requisition to stop dangerous quarrying*	*One hundred rupees.*
264	..	Failure to obey requisition to **fill up,** etc., tank or well, *or drain off water, etc.*	Fifty rupees.
265	..	Failure to obey requisition to cleanse or close, etc., tank, well or other source of water used for drinking.	Fifty rupees.
267	..	*Unlawful washing and* fishing in river, or estuary after prohibition *or contrary to regulations.*	Twenty rupees.
268	(*a*)	Unlawful bathing in certain places	Fifty rupees.
"	(*b*)	Unlawful washing of animals, etc., in certain places	Fifty rupees.
"	(*c*)	Unlawful throwing of animal, etc., into the water in certain places.	Fifty rupees.
"	(*d*)	Fouling of water in certain places	Fifty rupees.
269	..	Failure to obey requisition to enclose, clear or cleanse untenanted *premises.*	Fifty rupees.
270	..	Failure to obey requisition to clear or cleanse, etc., building or land in filthy state or overgrown with prickly-pear or other noxious vegetation.	Fifty rupees.
271	..	Failure to obey requisition to fence building or land, or trim, prune or cut hedges and trees **or lower an enclosing wall.**	Fifty rupees.
272	..	Failure to obey requisition to lime-wash or otherwise cleanse building.	Fifty rupees.
273	..	Failure to obey requisition to execute work or take other action with respect to insanitary buildings.	One hundred rupees in the case of masonry building and fifty rupees in the case of hut.
274	(2)	Using or allowing the use of buildings unfit for human habitation after prohibition.	Twenty rupees for each day.
"	(4)	*Failure to obey requisition to demolish the same*	*Twenty rupees for each day.*
275	(1)	Allowing overcrowding in building after order to abate the same.	Twenty rupees for each day.
"	(4)	Failure to obey requisition to vacate overcrowded building or room.	Twenty rupees for each day.
280	(*a*)	Unlawful keeping of swine	*Twenty rupees.*
"	(*b*)	Unlawful keeping of animal so as to be a nuisance or dangerous.	*Twenty rupees.*
"	(*c*)	Feeding of animals *on filth*	*Twenty rupees.*
282	..	Use of place as stable, cattle-stand, etc., without licence or contrary to licence.	Fifty rupees.
284	..	Construction or maintenance of stable, cattle-shed, etc., contrary to Act *or subsidiary legislation.*	Fifty rupees.
286	..	Failure to remove carcass of animal	Twenty rupees.
287	(3)	Use of place without licence or contrary to licence	Two hundred rupees.

1		2	3
Section *or rule*.	Sub-section or clause.	Subject.	Fine which may be imposed.
288	(1) & (2)	Unlawful erection of steam-boiler or machinery	*One thousand rupees.*
	(3)	*Disobedience of order regarding chimneys*	*Five hundred rupees.*
289	(*a*)	*Disobedience of order regarding hours of work*	*One hundred rupees.*
	(*b*)	*Using rice-husk, etc., for fuel* after prohibition	*One hundred rupees.*
	(c)	*Using steam-whistle, etc.,* after prohibition	*Fifty rupees.*
290	..	Use of place for sale or storage of timber, firewood, or other combustible without licence or contrary to licence.	One hundred rupees.
293	(2)	Washing of clothes by washermen at unauthorized places ..	Twenty rupees.
295	..	Use of place as slaughter-house without licence or contrary to licence.	Two hundred rupees.
297	..	Slaughter of animals for sale or food *or skinning or cutting up carcasses* without licence or contrary to licence or drying skin so as to cause a nuisance.	Twenty rupees for every animal, *carcass or skin.*
299	..	*Carrying on milk trade without licence or contrary to license*	*Fifty rupees.*
302	..	Sale or exposure for sale in public market of animal or article of food without licence or contrary to licence.	Fifty rupees.
303	(2)	Opening private market without licence or contrary to licence.	Five hundred rupees.
304	..	Keeping open private market without licence or contrary to licence.	Five hundred rupees.
305	..	Sale or exposure for sale of animal or article in unlicensed private market.	Fifty rupees.
306	..	Failure to obey direction to construct approaches, drains, etc., to private markets or to pave them, etc.	Fifty rupees.
307	(2)	Opening or keeping open of private market after suspension or refusal of licence for default to carry out works.	Fifty rupees for each day.
308	..	Breach of market regulations	Fifty rupees.
309	..	Carrying on butcher's, *fishmonger's or poulterer's* trade without licence, *etc.*	One hundred rupees.
310	..	Sale of article in public streets after prohibition *or contrary to regulations.*	Twenty rupees.
313	..	*Preventing the commissioner or any person authorised by him from exercising his powers of entry, etc., under section* 312.	*Fifty rupees.*
315	..	Removing or in any way interfering with an animal or article secured under section 314.	Five hundred rupees.
321	(4)	Use or allowance of use of unlicensed burial or burning ground ..	Five hundred rupees.
	(4)	Use or allowance of use of unregistered burial or burning ground.	One hundred rupees.
322	..	Failure to give information of burials or burnings in burial or burning ground.	Twenty rupees.
323	..	Construction of vault or grave or burial of corpse in place of public worship.	Five hundred rupees.
324	(3)	Burial or burning in place after prohibition	Two hundred rupees.
325	..	Burial or burning in place contrary to Act or by-laws	Fifty rupees.
326	..	Discharge of office of grave digger or attendant *at place for disposal of dead* without licence.	Twenty rupees.
330	..	Failure of medical practitioner or owner or occupier to give information of existence of dangerous disease in private or public dwelling.	Fifty rupees.
334	..	Failure to obey requisition to cleanse or disinfect building or article.	Fifty rupees.
336	(2)	Washing of infected articles at unauthorized places	Fifty rupees.
337	..	Giving, lending, etc., of infected articles	Fifty rupees.
338	(1)	Entry of infected person into public conveyance without notifying fact of infection.	Fifty rupees.
339	(1)	Failure to disinfect public conveyance, etc.	Fifty rupees.
	(2)	Using before obtaining certificate from Health Officer a public conveyance in which an infected person travelled.	Fifty rupees.
340	..	Letting or subletting of infected building without certificate from the health officer	Two hundred rupees.
341	..	**Failure to close place of public entertainment** ..	**Two hundred rupees.**
342	..	*Sending infected child to school*	*Fifty rupees.*
343	..	*Use or permitting use of book from public or circulating library by infected person.*	*Fifty rupees.*
345	..	*Failure to give information of smallpox*	*Fifty rupees.*
346	..	*Entering city within forty days of inoculation* for smallpox *without certificate.*	*One hundred rupees.*
356	(3)	Prevention of inspection *of copies of* rules and by-laws *publicly exhibited.*	Fifty rupees.
	(4)	Destruction, etc., of board exhibiting *printed copies of* by-laws and rules.	*Fifty rupees.*
365	(7)	Failure to produce licence on request	Ten rupees.
368	..	Failure to obey requisition to attend, produce document or give evidence.	One hundred rupees.
376	(1)	Failure of occupier to obey requisition to permit owner to comply with provisions of Act.	Fifty rupees for each day.
406	..	Obstructing or molesting municipal contractors, etc.	Two hundred rupees.
407	..	Removing mark set up for indicating level, etc.	Two hundred rupees.
408	..	Removal, etc., of notice exhibited by or under orders of the corporation.	*Fifty rupees.*
409	..	Unlawful removal of earth, sand or other material from land vested in the corporation or deposit of matter or encroachment in or on river, estuary, etc.	*Fifty rupees.*
Schedule V, rule 13	..	Failure to obey requisition by auditors to attend, give evidence or produce document.	One hundred rupees.

SCHEDULE VIII.

PENALTIES FOR CONTINUING BREACHES.

(*See section* 357.)

1		2	3
Section.	Sub-section or clause.	Subject.	Daily fine which may be imposed.
168	..	Failure to maintain house-connections in conformity with by-laws and regulations.	Five rupees.
169	(2)	Failure to obey requisition to make house-connection	Five rupees.
177	..	Failure to maintain house-drains, etc., in conformity with by-laws and regulations.	Ten rupees.
178	2 & (3)	Failure to obey requisition as to house-drainage	Ten rupees.
	(4)	Occupying or allowing occupation of house without proper drainage	Twenty rupees.
183	..	Failure to obey requisition to maintain troughs and pipes for catching, etc., water from roof or other part of building.	Ten rupees.
185	(2)	Keeping of public latrine without licence	Ten rupees.
	(3)	Allowing public latrine to be in an unclean condition or improper order.	Ten rupees.
186	..	Failure to obey requisition to provide latrine or to remove latrine to another site and failure to keep latrines clean and in proper order.	Ten rupees.
187	..	Failure to provide latrines for premises used by large numbers of people or to keep them clean and in proper order.	Twenty rupees.
188	..	Failure to obey requisition to provide latrines for market, cattle-stand or cart-stand or to keep them clean and in proper order.	Twenty rupees.
202	(1) & (5)	Allowing rubbish or filth to accumulate on premises for more than twenty-four hours.	Ten rupees.
209	..	Building within street alignment or building line without permission.	One hundred rupees.
222	..	Failure to remove permanent encroachment	Ten rupees.
223	..	Failure to remove temporary encroachment	Five rupees.
226	(1)	Unlawful making of hole or placing of obstruction in street	Ten rupees.
227	..	Construction, etc., of building without licence where street or foot-way is likely to be obstructed.	Ten rupees.
233	..	Construction of external roof, etc., with inflammable materials	Ten rupees.
254	..	Failure to keep external walls of premises in proper repair	Ten rupees.
260	..	Failure to obey requisition to repair, etc., tank or other place dangerous to passers by or persons living in neighbourhood.	Ten rupees.
261	..	Failure to obey notice regarding precautions against fire	Ten rupees.
263	..	Failure to obey requisition to stop dangerous quarrying	Ten rupees.
264	..	Failure to obey requisition to fill up, etc., tank or well or drain off water, etc.	Ten rupees.
265	..	Failure to obey requisition to cleanse or close, etc., tank, well, etc., or other source of water used for drinking.	Ten rupees.
269	..	Failure to obey requisition to enclose, clear or cleanse untenanted premises.	Ten rupees.
270	..	Failure to obey requisition to clear or cleanse, etc., building or land in filthy state or over-grown with prickly-pear or other noxious vegetation.	Ten rupees.
271	..	Failure to obey requisition to fence building or land, or trim, prune or cut hedges and trees or lower an enclosing wall	Ten rupees.
272	..	Failure to obey requisition to lime-wash or otherwise cleanse building.	Ten rupees.
273	..	Failure to obey requisition to execute work or take other action with respect to insanitary buildings.	Ten rupees in the case of masonry building and five rupees in the case of hut.
280	(a)	Unlawful keeping of swine	Five rupees.
	(b)	Unlawful keeping of animal so as to be a nuisance or danger	Five rupees.
282	..	Use of place as stable, cattle-stand, etc., without licence or contrary to licence.	Ten rupees.
284	..	Construction or maintenance of stable, cattle-shed, etc., contrary to Act or subsidiary legislation.	Ten rupees.
286	..	Failure to remove carcass of animal	Five rupees.
287	(3)	Use of place without licence or contrary to licence	Fifty rupees.
288	(1) & (2)	Unlawful erection of steam-boiler or machinery	One hundred rupees.
	(3)	Disobedience of order regarding chimneys	Fifty rupees.
289	(a)	Disobedience of order regarding hours of work	One hundred rupees.
290	..	Use of place for sale or storage of timber, firewood or other combustible, without licence or contrary to licence.	Ten rupees.
295	..	Use of place as slaughter-house without licence or contrary to licence.	Fifty rupees.
299	..	Carrying on milk trade without licence or contrary to licence	Five rupees.
303	(2)	Opening private market without licence or contrary to licence	One hundred rupees.
304	..	Keeping open private market without licence or contrary to licence.	One hundred rupees.
305	..	Sale or exposure for sale of animal or article in unlicensed private market.	Twenty rupees.
308	..	Breach of market regulations	Ten rupees.
309	..	Carrying on butcher's, fishmonger's or poulterer's trade without licence, etc.	Ten rupees.
334	..	Failure to obey requisition to cleanse or disinfect building or article.	Ten rupees.
Schedule V, rule 18.	..	Failure to obey requisition by auditors to attend, give evidence or produce document.	Seventy rupees.

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